

Central Administrative Tribunal
Principal Bench

O.A. 309/2000

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New Delhi this the 6 th day of February, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J).
Hon'ble Shri Govindan S. Tampi, Member(A).

Constable Rohtash Singh No.1657/C,
S/o Shri Amar Singh,
R/o Vill & PO: H.No.837,
Jharsa, District Gurgaon (Haryana). ... Applicant.

(None for the applicant)

Versus

1. Union of India, through the
Deputy Commissioner of Police,
Central District, Darya Ganj,
New Delhi.
2. The Joint Commissioner of Police,
Northern Range, PHQ, New Delhi. ... Respondents.

(By Advocate Mrs. Meera Chhibber)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J).

The applicant is aggrieved by the punishment orders passed by the respondents dated 14.9.1998 and 6.10.1999, giving him punishment of forfeiture of three years approved service permanently for a period of three years, during which period he will not earn increments and will also have the effect of postponing his future increments.

2. The brief relevant facts of the case are that a departmental inquiry was initiated against the applicant vide order dated 13.1.1998 on the allegation that he, while attached with District Police Lines, Paharganj, New Delhi was approached by one Shri Brahm Prakash on 21.12.1992 to get copies of the orders of the court, who later reported

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the matter to the Anti-Corruption Branch in case FIR No. 520/92. It was alleged against the applicant that he had demanded a bribe of Rs.100/- which was later reduced to Rs.70/-. During the raid, the applicant was present in the room. He asked for the remaining money and instead of taking money in hand, he had pointed to keep the money on the table. The Inquiry Officer had held that the charge was not proved but the disciplinary authority had passed the impugned punishment order, disagreeing with the findings of the Inquiry Officer. Against the disciplinary authority's order, the applicant had filed an appeal which has also been rejected by the appellate authority vide his order dated 6.10.1999.

3. As none has appeared for the applicant even on the second call and none had appeared on the last several dates when the case was listed, we have perused the documents on record and heard Mrs. Meera Chhibber, learned counsel for the respondents.

4. One of the grounds that the applicant has taken is that no reasons have been given by the disciplinary authority while disagreeing with the Inquiry Officer, which is against the law settled by the Supreme Court. While this proposition of law is well settled, taking into account the facts and circumstances of this case, it cannot be held that the disciplinary authority had not given reasons for his disagreement with the findings of the Inquiry Officer. In the disciplinary

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as required under the Rules, the copy of the findings was supplied to the applicant vide order dated 10.7.1998. To this, the applicant had submitted his reply on 24.7.1998. On perusal of the order dated 10.7.1998 (Annexure R-VI of the counter affidavit), we are satisfied that the disciplinary authority has given sufficient reasons to disagree with the findings of the Inquiry Officer. In his order dated 14.9.1998, it has been further stated that the reply of the applicant and other evidence has also been seen by him. In the last paragraph of the order, further detailed reasons have been given as to why the disciplinary authority has taken a decision to punish the applicant, based on the evidence placed in the disciplinary proceedings, for example, he has referred to the fact that the tainted money was recovered from the applicant's table on the basis of which a case has been registered under the provisions of the Preventions of Corruption Act. In the circumstances, the competent authority has come to the conclusion that the applicant had demanded and accepted bribe money which was recovered from his table for which he has given him punishment of forfeiture of three years service permanently during which period he will not earn increments. In the facts and circumstances of the case, the grounds taken by the applicant that the disciplinary authority has not given reasons for his disagreement with the findings of the Inquiry Officer are baseless and are accordingly rejected.

5. Similarly, we do not also find any merit in the other pleas taken by the applicant, including the plea that the appellate authority has not decided the case on

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for his conclusions to reject the appeal. It is settled law that the Tribunal, in exercise of the powers of judicial review, is not to substitute its own decision for that of the competent authorities. The procedure followed by the respondents cannot also be faulted. In the circumstances, we find no justification to interfere in the impugned punishment orders.

6. In the result, for the reasons given above, the O.A. fails and is dismissed. No order as to costs.

(G. Vinodan S. Tampi)
Member (A)

/SRD

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (C)