

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.397/2000

New Delhi this the 6th March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

ASI Karan Singh S/O Jit Ram,
R/O Vill. & P.O. Karanola,
Delhi-110081.

... Applicant

(By Shri M.K.Bhardwaj, proxy counsel for Shri V.P.Sharma,
Advocate)

vs.

1. N.C.T. of Delhi through
Chief Secretary,
5, Sham Nath Marg, Delhi.
2. Commissioner of Police,
Police Headquarters,
I.T.O., New Delhi.
3. Joint Commissioner of Police,
Southern Range, Police Hqrs.,
New Delhi.
4. Asstt. Commissioner of Police,
Sub Division, West Distt.,
Punjabi Bagh,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

A penalty of censure imposed on the applicant by the disciplinary authority being the Assistant Commissioner of Police on 4.9.1998 and the order of the appellate authority being the Joint Commissioner of Police dated 21.10.1999 dismissing the appeal and maintaining the aforesaid penalty are impugned in the present O.A.

2. A show cause notice was issued against the applicant who is an Assistant Sub Inspector of Police in the West District Crime Cell, Janakpuri on the allegation that on checking of case file of FIR No.247/98 under Sections 25/54/59 Arms Act, P.S. Nangloi, it was noticed that one accused Surender Pal S/O Raghubir was apprehended

[Handwritten signature]

3

- 2 -

by ASI Karan Singh, applicant herein, resulting in the recovery of a country-made Katta from his possession. During the course of investigation, the accused in the aforesaid crime disclosed that the Katta was given to him by one Bijender S/O Ram Chander, but the applicant failed to arrest him in the abovesaid case.

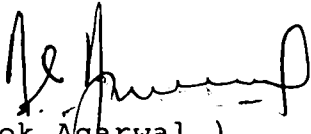
3. Applicant submitted a reply to the show cause notice. The disciplinary authority gave a personal hearing to applicant on 29.8.1998. The disciplinary authority did not find the explanation of the applicant for not arresting the accused Bijender as satisfactory. He accordingly proceeded to impose the penalty of censure.

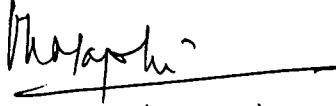
4. Aforesaid order of penalty was carried by applicant in appeal. The appellate authority also gave a personal hearing to applicant on 4.6.1999. The appellate authority in turn considered the appeal of the applicant as also the explanation for not arresting Bijender, namely, that the accused Surender Pal had been brought from Haryana two days prior to the registration of the case and the Katta belonged to Surender Pal and not to Bijender. The appellate authority ordered a vigilance enquiry to ascertain the aforesaid contention of applicant that the accused had been brought from Haryana. The said contention was found to be false. The appellate authority found that the applicant had given contradictory statements in the vigilance enquiry. ~~The vigilance enquiry further revealed that the Katta was recovered from Bijender and not from Surender Pal, as claimed by the applicant.~~ Having regard to the aforesaid facts, the appellate authority found the appeal to be devoid of merit and the same has accordingly been dismissed.

12/10

5. In our judgment, no case is made out for interference in the present O.A. The findings of the disciplinary authority as also the appellate authority are based on evidence on record. The same cannot be interefered with in the present O.A. Once the findings are found to be unassailable, the penalty of censure cannot ^{also} be interefered with.

6. Present O.A., in the circumstances, is dismissed.


(Ashok Agarwal)
Chairman


(V. K. Majotra)
Member (A)

/as/