

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.658/2000

New Delhi this the 29th day of May, 2001

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri S.A.T.Rizvi, Member (A)

Shri Ramesh Chander
S/O Shri Prahlad Singh
R/O Vill.& P.O.Shahjahanpur,
Tehsil Behror, Distt.Alwar,
Rajasthan.

..Applicant

(By Advocate Shri S.K.Gupta)

VERSUS

1.Govt.of NCT of Delhi,
Through Chief Secretary,
5, Sham Nath Marg, Delhi

2.Joint Commissioner of Police
(New Delhi Range)
Police Headquarters,MSO Bldg.,
I.P.Estate, New Delhi.

3.Deputy Commissioner of Police,
(East Delhi District)
Shalimar Park, Delhi.

4.Kali Ram Malik,
Inspector, Enquiry Officer,
C/O D.C.P. (East Distt.),
Shalimar Park, Delhi.

..Respondents

(By Advocate Shri George Paracken)

O R D E R (ORAL)

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

In this application, the applicant has impugned the action of the respondents in holding the disciplinary proceedings against him and thereafter, passing the punishment order dated 12.5.1998. By this order, the punishment of withholding of one annual increment for a period of two years was passed against the applicant against which he had filed an appeal. That appeal has also been dismissed by the appellate authority by his order dated 18.11.1999. Both these orders have been impugned in the present application.

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2. We have heard Shri S.K.Gupta, learned counsel for the applicant, and Shri George Paracken, learned counsel for the respondents and perused the pleadings and documents on record.

3. One of the grounds taken by the applicant is that there is no evidence against him, on the basis of which the aforesaid punishment orders could have been passed. We are unable to agree with this contention as we find that the evidence given by PWs 1, 2 and 3 has supported the case of the prosecution and it cannot, therefore, be held that ^{is} ~~this~~ is a case of no evidence. The Inquiry Officer in his report has discussed the evidence which was placed before him, including the statement of Defence witnesses. He had come to the conclusion that on the night intervening 25-26/9/97 at about mid-night the applicant, as well as one Constable Subhash Chand, had quarrelled with Constable Prakash Chand in the barracks of East District Lines after consuming alcohol. He has also found that in the barrack, Constable Subash Chand was in the bed of Constable Prakash Chand while he was sleeping on his bed. On receiving the complaint from Constables Sh. Prakash Chand, Shri Ashok Kumar, Head Constable had reached the barrack, looked into the matter and made enquiry on the spot. Learned counsel for the applicant has submitted that the applicant had not run away from the place of ^{the} ~~the~~ incident but had ^{gone to} ~~had~~ traced ^{the} ~~the~~ Constable Subash Chand. It is settled law that the Tribunal/Courts should not substitute their conclusions for that arrived at by the competent authority. We hold that there is sufficient evidence

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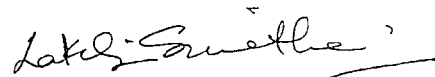
on record for the competent authorities to ^{have} come to the conclusion that the applicant as well as Subhash Chand were guilty of the mis-conduct alleged against them on the night of 25-26/9/97. The Inquiry Officer had concluded that the acts committed by the charged official were very shameful and show their grave misconduct, carelessness, ^{and} indiscipline ^{and} unbecoming of a Police Officer. We are unable to agree with the contentions of the learned counsel for the applicant that these conclusions are either unwarranted or perverse or that the punishment meted out to the applicant also suffers from any legal infirmity.

4. In the facts and circumstances of the case, we find no legal infirmity in the conclusions arrived at by the competent authority, on the basis of which the punishment of withholding of one increment for two years has been imposed against the applicant. Both these orders passed by the disciplinary authority and the appellate authority are speaking orders. We are satisfied that the applicant has been given reasonable opportunity to put forward his case in the disciplinary proceedings.

5. In the result, for the reasons given above, we find no good grounds to justify any interference in the matter. OA accordingly fails and is dismissed. No order as to costs.



(S.A.T. Rizvi)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice Chairman (J)