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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.673/2000

New Delhi, this 16th day of May, 2001.

Hon'ble Shri Kuldip Singh, Member(J)  
Hon'ble Shri M.P.Singh, Member(A)

Ex.Constable Govind Ram No.289/PCR  
Village Chirasan, PO Loyal  
PS Chidawa, Jhunjhunu, Rajasthan .. Applicant  
(By Shri Rajeev Kumar, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Home Affairs  
North Block, New Delhi
  2. Addl. Commissioner of Police  
PCR & Communication  
Police Hqrs. New Delhi
  3. Addl. Dy. Commissioner of Police  
PCR, Sarai Rohilla, Delhi .. Respondents
- (By Mrs. Sumedha Sharma, Advocate)

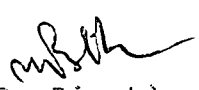
ORDER(oral)

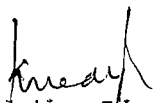
By Shri Kuldip Singh

Applicant has assailed the order dated 2.6.99 by which he has been dismissed from service. Brief facts of the case are that the applicant was proceeded against departmentally on the allegation that he was detailed for reserve duty from 8.00 AM on 12.2.98 but he did not turn up. He was marked absent and absentee notice was sent at his native place with the direction to join his duty. But he joined duty only on 2.7.98 after absenting himself for 140 days and 3 hours. Thereafter, regular enquiry was conducted and the charges levelled against him stood proved and the aforesaid penalty was awarded to him. His appeal against the punishment was also rejected by the appellate authority vide his order dated 28.10.99.

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2. Though the absence of the applicant for the aforesaid period is not disputed, the learned counsel for the applicant has taken the plea that the applicant was away in Rajasthan due to his illness and he had informed the department but it was not accepted by the department and his appeal has not been accepted by the appellate authority. If we accept the plea of the applicant with regard to his illness, we find that we <sup>will have to</sup> ~~cannot~~ reappreciate the evidence and act as an appellate court over the departmental authorities <sup>which</sup> ~~as~~ per the legal position. <sup>we cannot</sup> As regards the quantum of punishment is concerned, we are of the view that in a disciplined force like Delhi Police, every member of the organisation is expected to maintain discipline which the applicant has failed to do, and was found to be incorrigible person to be retained in Delhi Police and therefore we do not want to interfere in this matter. In the result, the OA deserves to be dismissed and we do so accordingly. No costs.

  
(M.P. Singh)  
Member(A)

  
(Kuldip Singh)  
Member(J)

/gtv/