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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA 296/89.

Tenth day of February, 1994.

Shri J.P.Sharma, Member(J).  
Shri B.K.Singh, Member(A).

Shri Jai Pal Singh,  
S/o Shri Bhim Singh,  
r/o: Village Asalatpur Khawat,  
P.O.Daulatpur, New Delhi-43.

...Applicant

By advocate : None.

Versus

1. Lt. Governor of Delhi, through its Chief Secretary, Delhi Administration, Delhi.
2. Commissioner of Police Delhi, Delhi Police Headquarters, M.S.O.Building, I.P.Estate, New Delhi.
3. Addl. Commissioner of Police (Armed Police), Delhi Police Headquarters, M.S.O. Building, I.P.Estate, New Delhi.
4. Deputy Commissioner of Police, Ist Bn. D.A.P. New Police Lines, Kingsway Camp, Delhi.

...Respondents

By advocate : None.  
(Head Constable Shri Sadhu Ram is present for the respondents)

ORDER (ORAL)

Shri J.P.Sharma :

The applicant was appointed as Constable and he was served with the summary of allegations dated 28-6-85 that he took up a quarrel with Head Constable Om Parkash and then manhandled him after consuming alcohol. A departmental enquiry was instituted against him and after taking the evidence, a charge was framed by the Enquiry Officer Inspector S.K.Sharma. The disciplinary enquiry was held against the applicant as well as against 5 other police officials. The enquiry subsequently was handled by Inspector

Khazan Singh on the transfer of Shri S.K.Sharma. The Enquiry Officer held all the police officials including the applicant guilty of the charge of manhandling Head Constable Om Parkash and passed the punishment. The disciplinary authority on the basis of agreeing with the report of the Enquiry Officer issued a show cause notice while the order of dismissal was not passed but the only punishment imposed on considering the representation of the applicant was of forfeiture of approved service permanently of four years and reduction in pay permanently. The appeal against the same was rejected by the Additional Commissioner of Police by the order dated 25-5-87 and so also a revision petition by Commissioner of Police by the order dated 13-1-88. The applicant filed this application on 10-2-89 and prayed for quashing of the aforesaid orders of punishment with all consequential benefits.

2. The respondents in their reply contested the application and stated that the applicant has committed the gravest act of indiscipline in manhandling a superior officer along with others and the departmental proceedings have rightly been held in which adequate opportunity was given to the applicant. The case is devoid of merit.

3. None is present on behalf of the applicant. No lawyer is present on behalf of the respondents and only the departmental representative Shri Sadhu Ram, Head Constable, is present. Since this is an old case, we propose to dispose of the same on the basis of the pleadings on record.

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3. The first ground taken in assailing the order is that the name of the applicant does not appear in the D.D. entry dated 16/17-5-85. However, the name of the applicant has figured as one of the police officials who have manhandled Head Constable Om Prakash. He has pointed out certain contradictions about the time of the occurrence and the date itself but the fact remains that the Enquiry Officer has given a finding based on the testimony of witnesses. Secondly, it is said that medical officer was not examined and so the charge of intoxication cannot be said to be proved. However, the Enquiry Officer on the basis of statement of witnesses held that the witness deposed the smell of alcohol coming at the time of query. Thus, this ground has also no force.

4. It is further averred that the punishment awarded is in conflict with section 21 of the Delhi Police Act that only one punishment can be awarded. However, we find that the punishment is not in violation of rule 5 of the Delhi Police (Punishment and Appeal) Rules, 1980. It is further stated that the punishment is severe but the Tribunal cannot interfere in the quantum of punishment which has been awarded to the applicant on the basis of his misconduct.


5. It is further averred that the appeal and revision<sup>al</sup> orders<sup>are</sup> is not speaking order. It is not so. We have gone through the orders of appellate and revisional authority and find that all aspects of the

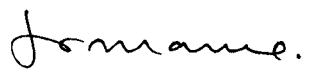
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matter have been considered and the points taken by the applicant in appeal has been scrutinised before passing the order.

6. The application, therefore, is devoid of merit and is dismissed. No costs.

  
(B.K.SINGH)  
MEMBER (A)

  
(J.P.SHARMA)  
MEMBER (J)

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