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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 1253/87

Date of Decision: 7-1-93.

Mukhtiar Singh

...Applicant

Versus

Union of India & Others

...Respondents

CORAM:

THE HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R.ADIGE, MEMBER(A).

For the applicant

...Shri A.S.Grewal, Counsel

For the respondents

...Ms. Mukta Gupta, proxy counsel for
Mrs. Avnish Ahlawat, Counsel

JUDGMENT (ORAL)

(Hon'ble Mr. Justice V.S.Malimath, Chairman) :

The petitioner, Mukhtiar Singh, who was Head Constable at the relevant point of time, was subjected to a disciplinary enquiry on the charge that he extorted money from Babu Lal by threatening him that he would be prosecuted for taking valuable and substantial quantity of silver ornaments. The Enquiry Officer after giving an opportunity to both the parties recorded the evidence, made the report holding the charge proved. The disciplinary authority accepting the finding of the Enquiry Officer imposed the penalty of forfeiting 5 years of approved service. The appeal filed against the said decision was dismissed. A revision petition filed thereafter was also rejected. It is in this background that the petitioner has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

✓ 2. The principal contention of Shri Grewal, learned counsel

for the petitioner, is that the finding of guilt is vitiated for the reason that there is no satisfactory evidence to establish the charge. He submitted that the only substantial evidence which the department was able to produce in respect of the charge is that of Babu Lal, the complainant himself. He submitted that there is no independent corroboration of the testimony of Babu Lal. It was urged that as Babu Lal was an interested person, the authorities should not have relied upon his evidence in the absence of independent corroboration from other sources. It is not possible to agree with this contention. Whether there should be corroboration of any evidence or not is a matter in a case like this for the authorities to assess. It is not a rule of law that the complainant's evidence cannot be believed in a disciplinary proceedings in the absence of corroboration from independent sources. It all depends upon the quality of the evidence produced in the case. The contention of the learned counsel bears essentially on appreciation of evidence. It is not the function of the Tribunal while dealing with applications under Section 19 of the Administrative Tribunals Act to reappreciate the evidence produced in the disciplinary enquiry and to substitute its own finding as if it is an appellate authority. This is not a case of no evidence nor ^{is not} this ^{is} a case of the finding being perverse. Hence, question of our interference does not arise. So far as the penalty imposed is concerned, the revisional authority has rightly pointed out that it is quite lenient. We are surprised that such a lenient

punishment was imposed after the authorities came to the conclusion that the petitioner, a ^{responsible} ~~responsible~~ Police officer, is guilty of extorting substantial money from an innocent citizen. Since there is no challenge to the adequacy of the punishment, we need not dwell on this aspect.

3. For the reasons stated above, this petition fails and is dismissed. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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