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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 151/1990

Date of decision..... 10.6.94

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Roshan Lal

R/o V-529, Gali No. 16-A,
Vijay Park, Maujpur, Shahdara, Delhi

... Applicant

(By Advocate Sh.A.S. Grewal)

V/s

1. Lt. Governor of Delhi through Chief Secretary,
Delhi Admn., Delhi
2. Commissioner of Police, Delhi
Delhi Police Headquarters, MSO Bldg,
I.P. Estate, New Delhi
3. Addl. Commissioner of Police (NR)
Delhi Police Headquarters,
MSO Building, I.P. Estate, New Delhi
4. Addl. Deputy Commissioner of Police
North District near Police Station Civil Lines,
Alipur Road, Delhi

... Respondents

(By Advocate Sh. Vinay Sabharwal)

J U D G M E N T

(Delivered by Shri S.R. Adige, Member (A))

In this application, Shri Roshan Lal, ASI, Delhi Police has impugned the order dated 18.2.1988 (Ann.E) imposing the punishment of forfeiture of two years approved service permanently, entailing reduction in pay from Rs 1350/-PM to Rs 1320/-P.M., which has been upheld by the Appellate order dated 8.8.88 (Ann.F) and in revision vide order dated 6.2.1989 (Ann.G)

2. Shortly stated, ~~that~~^{his} the applicant was proceeded against departmentally for alleged misconduct on the charge that he purchased a plot of land measuring 106½ yards of Khasra No.16, Vijaya Park, Shahdara for Rs 39,000/- without obtaining prior permission/information from the competent authorities, which was in violation of rule 18 of the CCS(Conduct Rules), 1964. The Enquiry Officer submitted his findings on 4.12.1987 holding the applicant was guilty of the charge. Accepting these findings the Disciplinary Authority imposed the above mentioned penalty which has been upheld in appeal and revision.

3. The only ground urged by applicant's counsel Shri Grewal is that the attested copy of the complaint on the basis of which D.E. was ordered, and copies of the statements of witnesses recorded during the preliminary enquiry were not supplied to him, which vitiated the departmental proceedings.

4. Shri Vinay Sabharwal for the respondents has produced for our inspection the office file dealing with departmental enquiry against the applicant. It appears that a quarrel developed over the land in question and the matter was reported to the Yamuna Puri, Police Station. It was then that it came to light that the applicant had purchased the plot in question without giving any information/seeking permission of the competent

authorities as required order rules, and it was on that basis that departmental proceedings were initiated.

5. The respondents have pointed out that the Depttl. Enquiry was not ordered on the basis of any complaint; ^{nor} was any preliminary inquiry conducted in this case, and hence the supply of statements of witnesses does not arise. On perusal of the Departmental enquiry file, prima facie we see no reason to disagree with these averments made by the respondents. No other ground was pressed by applicants counsel Shri Grewal, during hearing. There appears to be no infirmity in the conduct of the departmental proceedings and under the circumstances, we see no reason to interfere with the impugned order. This application is accordingly dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member(J)

S.R. Adige
(S.R. Adige)

Member(A)

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