

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.1633/90

DATE OF DECISION: 24.04.1992.

NARESH KUMAR

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:-

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT SHRI N.S. BHATNAGAR, COUNSEL.

FOR THE RESPONDENTS MRS. AVNISH AHLAWAT, COUNSEL

JUDGEMENT(ORAL)

(DELIVERED BY HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J))

We have heard the learned counsel of both parties and gone through the records of the case carefully. The applicant who has worked as a Sweeper in the Delhi Police is aggrieved by the impugned order dated 26.2.1990 whereby the respondents have removed him from service. The misconduct on his part which led to the enquiry and the passing of the impugned order consisted of his directly complaining to the Home Minister of India, Commissioner of Police, Delhi and Additional Commissioner of Police (Operations), levelling baseless and unfounded allegations against the senior officers without routing the complaints through proper channel.

2. Prior to the passing of the impugned order of removal from service, the respondents had imposed on the applicant the penalty of forfeiture of service on 13.4.1989 for the misconduct of disobeying his superiors.

3. The applicant has raised several contentions for challenging the validity of the impugned order and the respondents have given their explanation in respect of those contentions.

4. After hearing both sides, we feel that the imposition of the ultimate penalty is excessive and not proportionate to be the gravity of the misconduct. We feel that in the interest of justice, the respondents should review the quantum of penalty imposed on the applicant, having regard to the fact that the misconduct on the part of the applicant is not such as to warrant removal from service. The respondents are directed to take appropriate action within a period of three months from the date of communication of this order.

5. The Application is disposed of with the above lines. There will be no order as to costs.

Dulayha
(I.K. RASGOTRA)
MEMBER(A)

Arvind
(P.K. KARTHA)
VICE-CHAIRMAN(J)

April 24, 1992.

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