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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

O.A.No.1637 of 1990

New Delhi, this the 14th day of December, 1993.

HON'BLE MR JUSTICE S.K.DHAON, VICE CHAIRMAN  
HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A)

Satya Prakash s/o Shri Ram Chander  
r/o RZ-B/207, Nar Singh Garden,  
Khiala, Delhi. ... .. Applicant.  
(by Mr A.S.Grewal, Advocate).

vs.

1. Lt.Governor of Delhi, through Chief Secretary,  
Delhi Administration, Delhi.
2. Commissioner of Police Delhi,  
Police Headquarters, M.S.O.Building,  
I.P.Estate, New Delhi.
3. Additional Commission of Police,  
Southern Range, New Delhi, M.S.O.Building,  
P.H.Q., I.P.Estate, New Delhi.
4. D.C.P.West District,  
Police Station Rajouri Garden, New Delhi.  
... .. Respondents.

(by Ms Sumedha Sharma for Ms Avinash Ahlawat,  
advocate).

ORDER (oral)

Per S.K.Dhaon, Vice Chairman

The petitioner, an ex-constable in the Delhi Police was subjected to disciplinary proceedings under the Delhi Police Act. The Inquiry Officer relying on the sole testimony of one Sub Inspector, namely, Surjit Singh, found him guilty of the charge. The Punishing Authority agreed with the findings of the Inquiry Officer and awarded punishment of dismissal from service. In appeal, the petitioner remained unsuccessful. The orders passed by the Disciplinary Authority and the Appellate Authority are being impugned in the present application.

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2. As required under the Delhi Police Rules, a summary of allegations was given to the petitioner. During the course of proceedings, a charge was framed. The substance of the charge is that the petitioner, while performing the duty at P.C.R. Jeep No.DID 4652 alongwith others on 17.12.85 picked up one Shri Mohan on the pretext of a smack addict. Shri Mohan was threatened to sit in the jeep by a member of the Guard including Shri Satya Prakash. From the person of Shri Mohan, Rs.427/- were removed by Head Constable Ramesh and given to Constable Dharamveer Singh. Later on, the jeep was taken to Mangolpuri, where Rs.107/- were returned to Mohan and he was allowed to go. When Mohan was leaving, the petitioner threatened him not to disclose the incident to anyone otherwise, he would be put behind the bar. The charge proceeds that the aforesaid action on the part of the petitioner amounts to negligence, carelessness and dereliction in the discharge of official duties, under Section 21 of the Delhi Police Act, 1978.

3. The Inquiry Officer has recorded a finding that all the witnesses, including Mohan, did not support the case of the department. Mohan, in fact failed to identify the petitioner. We may note that a first information report was registered on the alleged statement of Mohan. We may also note that in his statement before the Inquiry Officer, he has stated that he was made to sign certain blank papers. He denied having lodged any F.I.R., involving the petitioner. On the basis of the first information report, S.I.Surjit Singh proceeded with the investigation. The Inquiry Officer relied solely on the testimony of Shri Surjit Singh, Sub Inspector

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recorded in the disciplinary proceedings that Mohan had identified the petitioner and had also gave out the version, which is contained in the F.I.R. We may immediately indicate that the petitioners and others were subjected to the trial in a competent criminal Court under Section 395 Indian Penal Code. In the criminal trial, the prosecution witnesses, including Mohan, did not support the prosecution and they were subjected to cross-examination by the prosecution. The trial ended in the acquittal of petitioners and others. The judgment was given by the Additional Sessions Judge on 25.11.1989. The appellate authority dismissed the appeal of the petitioner on 31.1.1990. However, in the appellate order, there is no reference to the order of the judgment of the Additional Sessions Judge dated 25.11.1989.

4. The question to be considered is whether the impugned orders can be sustained on the basis of the sole testimony of Sub Inspector Surjit Singh. We are not oblivious of the fact that in departmental proceedings, the rule of evidence to be applied is pre-ponderance of probabilities. Nonetheless, even in the departmental proceedings, evidence of probative value alone can be relied upon. In the instant case, apart from the testimony of S.I. Surjit Singh, there is no other independent evidence either of direct or of corroborative nature. We have already indicated that Surjit Singh was in fact the Investigating Officer. His investigation ultimately led to the launching of criminal case against the petitioner and others. In these

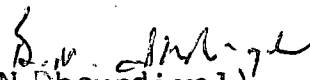
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
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circumstances, Shri Surjit Singh was, in fact, and interested witness. No reliance, therefore, can be placed upon his testimony. The net result is that this case falls in the category of "no evidence" rule.

4. The application succeeds and is allowed. The orders passed by the Disciplinary Authority as well as the appellate authority are quashed.

5. There shall be no order as to costs.

  
( B.N.Dhoundiyal )  
Member ( A ).

  
( S.K.Dhaon )  
Vice Chairman.

sds