

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.1659/90

Date of decision: 20-05-1993

Sh. Rajesh Kumar Applicant
versus
Delhi Admn. & Anr. Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : Sh. J.P. Verghese, counsel
For the respondents : Ms. Anju Doshi, proxy counsel
for Sh.D.N. Goverdhan, counsel

JUDGEMENT

(delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A))

This O.A. has been filed by Sh. Rajesh Kumar, an ex-Constable with Delhi Police who is aggrieved by the order of termination dated 16.08.1988 and the order dated 24.10.1989 rejecting his appeal.

The brief facts of the case are that the applicant while posted in 1st Bn.DAP proceeded on casual leave from 3.4.1987 to 10.4.1987 and was due back on 11.4.1987. Absentee notices were sent at his home through S.P. Itawah (U.P.). The applicant instead of joining the duty, sent an application for

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extension of leave upto 21.4.1987 on the ground that his mother had expired. He resumed duty on 23.4.1987 but again proceeded on leave for 7 days from 6.7.1987 to 12.7.1987 and again failed to resume his duty on 13.7.1987. He sent an application for extension of leave upto 22.7.1987 stating therein that his aunt had expired. Another application for extension of leave for 15 days was received from him on the ground of his own illness. The above facts were verified through S.P. Itawah who intimated that both his mother and aunt were alive and the Constable himself was in good physical condition. The applicant had earlier remained absent on two occasions for which he was awarded warnings. The Disciplinary Authority awarded him the punishment of removal from service vide order dated 16.8.1988 and his appeal was rejected by the Additional Commissioner of Police by order dt. 23.11.1989.

The applicant has challenged the impugned orders of dismissal and rejection of his appeal on the ground that he was not given a proper opportunity to defend his case and was neither supplied the necessary documents nor a copy of the findings nor a show cause notice. He has prayed that the order of removal from service dated 16.8.1988 and order in appeal dt. 23.11.1989 may be quashed and he be reinstated with effect from the date of dismissal with all consequential benefits.

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We have heard the learned counsel for the parties and gone through the records. The allegation that no enquiry report was submitted by the Enquiry Officer does not appear to be correct. The impugned order dt. 16.8.1988 clearly mentions that a copy of this order with the findings of the Enquiry Officer is being supplied to Constable Rajesh free of cost.'

We do not find any infirmity in the procedure followed by the respondents. We, therefore, hold that this is not a case where this Tribunal should intervene. The application is, therefore, rejected. No costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 20/8/88
Member(A)

S.K. Dhaon
(S.K. Dhaon)
Vice-Chairman

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