

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

C.A. No. 1699/90
with
D.A. No. 781/90

New Delhi, this the 9th Day of December, 1994

Hon'ble Mr. Justice S.C. Mathur, Chairman
Hon'ble Mr. P.T. Thiruvengadam, Member (A)

Shri Nand Ram,
S/o Shri Sant Ram Singh,
R/o RZ-34A, Raghu Nagar,
Pankha Road,
Dabri, New Delhi.

... Applicant

(By Advocate : Shri V.P. Sharma)

Vs

1. Commissioner of Police, Delhi
Delhi Police Headquarters,
MSC Building,
I.P. Estate, New Delhi.

2. Additional Commissioner of Police (Ops.),
Delhi Police Headquarters,
MSC building,
IP Estate,
New Delhi.

3. Deputy Commissioner of Police,
Police Control Room, Police Headquarters,
MSC Building, I.P. Estate,
New Delhi.

... Respondents

(By Advocate : Ms. Avnish Ahlawat)

ORDER (Oral)

Hon'ble Mr. Justice S.C. Mathur, Chairman

This original application is directed against the order of punishment imposed upon the applicant after disciplinary proceeding. By the impugned order the pay of the applicant has been reduced by two stages from Rs. 1410/- p.m. to Rs. 1350/- p.m. for a period of two years. The period of suspension has not been treated as spent on duty.

2. The allegation against the applicant was thus:-

Smt. Kesar Devi had named Jagdish son of Hazari as having committed theft in her house on 8.3.1988. Jagdish's father paid Rs. 9,500/- to Kesar Devi for excusing his son from the charge of theft. Thereafter on the complaint of

Shri Jagdish the applicant called Smt. Kesar Devi and her son, Shri Lal Chand and pressurised and harassed them to return the money with ulterior motive.

3. The applicant participated in the enquiry and denied the charge levelled against him. The Enquiry Officer on the basis of the evidence produced came to the conclusion that the charge had been established. Accordingly, the order of punishment was passed by the disciplinary authority on 5th December, 1989. A corrigendum was issued on 31st January 1990. The applicant's appeal was rejected by appellate authority by the order dated 1st February 1990. Revision was dismissed on 14th May 1990. Thereafter, the present application was filed in the Tribunal.

4. In the present application the order of punishment has been challenged on a number of grounds. However, at the time of arguments only two grounds were raised. The first ground is that copies of relevant documents were not supplied to the applicant. The allegation in this regard is vague in-as-much as the particulars of the documents of which copies were allegedly not supplied have not been given. It is also noticed that the applicant had not given any application for the supply of documents. In the reply filed on behalf of the respondents it has been averred that all the relevant documents were supplied to the applicant. On account of this and in view of the reply the first ground of challenge fails.

5. The next submission of the learned counsel is that the Enquiry Officer himself became prosecutor in-as-much as he cross-examined the witnesses. In our

opinion the Enquiry Officer is not debarred from putting questions to witnesses for eliciting facts. The learned counsel has not invited our attention to any question put by the Enquiry Officer from which an inference of bias may be drawn. This ground of challenge also accordingly fails.

6. The application lacks merit and is hereby dismissed without any order as to costs. Interim order, if any operating, shall stand discharged.

P. J. L.

(P.T. Thiruvengadam)
Member(A)

S. C. Mathur

Chairman

'Ravi'
Mittal