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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

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OA. No.1722 of 1990

Dated New Delhi, this 31st day of August, 1994

Hon'ble Shri A. V. Haridasan, Member(J)

Hon'ble Shri B. K. Singh, Member(A)

Shri Gajraj Singh  
R/o C/o H.No.922, Pushpa Vihar  
Sector 7  
NEW DELHI

... Applicant

By Advocate: Shri Duli Chand

VERSUS

1. Delhi Administration  
through Chief Secretary  
Delhi Administration  
5, Sharnath Marg  
DELHI

2. Commissioner of Police  
I. P. Estate  
NEW DELHI

3. D.C.P. Prov & Lines  
DELHI

... Respondents

By Advocate: Shri O. N. Trishal

O R D E R  
(Oral)

Shri A. V. Haridasan, M(J)

The applicant, Shri Gajraj Singh is a Constable(Mounted) in Delhi Police. His mare 'Noori' was found lamming on 16.9.87 when checked by Assistant Commissioner of Police/Lines who directed the applicant to admit Noorie to hospital for treatment. Noorie was admitted to hospital on 17.9.87 and was discharged after the treatment on 5.10.87. During the said period, on 28.9.87, nailing and shoeing were done to the mare. Though the mare was discharged from hospital on 5.10.87, it became seriously ill with effect from 7.10.87 and

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was again admitted to hospital on 8.10.87. Eventually, the mare died on 10.10.87 and the post-mortem report revealed that the death was due to Tetanus. In the preliminary enquiry, the enquiry authority held that the deterioration of the condition of the mare was owing to the negligence of the applicant who was riding the mare. A regular departmental enquiry was held and the disciplinary authority, on the basis of the findings of the enquiry authority, vide order dated 29.6.88 awarded to the applicant a punishment of forfeiture of five years' approved service permanently entailing reduction in his pay from Rs.990/- per month to Rs.950/- per month with immediate effect. He also ordered that his suspension period from 2.11.87 to 20.12.87 to be treated as period not spent on duty. Aggrieved by this order, the applicant appealed to the appellate authority, and the Additional Commissioner of Police vide his order dated 15.11.88, after discussion of the various grounds raised by the applicant, upheld the finding of the disciplinary authority, and taking a lenient view, revised the punishment as forfeiture of five years service for a period of four years. The applicant preferred a revision petition to the Commissioner of Police, Delhi who rejected the same vide order dated 24.2.89. Thereafter,

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- 1) Order dated 29.7.88 may be set-aside.
- 2) The period of suspension may be treated as spent on duty from 2.11.87 to 21.12.87.
- 3) That any adverse remarks may be expunge from records of service.
- 4) That any other relief which this Hon'ble Court think fit under the circumstances.
- 5) Any other relief or reliefs which the court may deem fit and proper be passed."

3. We have carefully considered the facts and circumstances brought out in the proceedings and relevant documents. and heard Shri Duli Chand, counsel for the applicant and Shri O. N. Trishal, counsel for the respondents. We have also gone through the evidence recorded at the enquiry as also proceedings of the enquiry.

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Tetanus is a disease which can affect any living being even on account of a pin-prick. In the circumstances the finding that the death of the mare occurred owing to the negligence on the part of the applicant has no legitimate basis and, therefore, according to the counsel, it calls for judicial intervention.

5. We have gone through the file relating to the enquiry. There is dependable evidence especially of the doctor who treated Noorie that the mare was not having Tetanus when it was earlier under treatment and that the infection could have occurred during nailing and shoeing which were done while the animal was not well without taking proper medical advice. This has lead to the death of the animal. The finding that the negligence of the applicant in not taking the animal for treatment at the appropriate time and also in nailing and shoeing without taking proper medical advice has caused the deterioration of its health and eventual death was entered on cogent evidence. Hence, we are not able to agree with the argument of the learned counsel for the applicant, the finding that the applicant is guilty, is perverse.

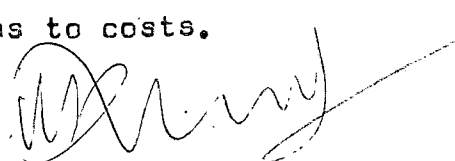
6. The applicant has prayed to set aside the order dated 29.7.88. But this order has been modified by the appellate authority by reducing the punishment of forfeiture of five years' approved service to that of four years and on his subsequent representation to

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the Lt. Governor, the punishment of forfeiture of four years' approved service was reduced to forfeiture of his service of three years for a period of three years. In the circumstances, this prayer of the applicant cannot be considered.

7. In the facts and circumstances of the case, we do not find any merit in this application and accordingly the same is dismissed with no order as to costs.

  
(B. K. Singh)  
Member(A)

  
(A. V. Haridasan)  
Member(J)

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