

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

O.A. No.1773/90

New Delhi, dated the 24th August, 1994

CORAM

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Suraj Bhan Singh
r/o 631/5, Krishna Gali No.13,
East Najpur, Delhi-53

... Applicant

(By Advocate Shri A.S. Grewal)

V/s

1. Commissioner of Police, Delhi
Delhi Police Headquarter, MSO Bldg,
I.P. Estate, New Delhi
2. Addl. Commissioner of Police (NR),
Delhi Police Headquarters, MSO building,
I.P. Estate, New Delhi
3. Deputy Commissioner of Police
East District, Shalimar Park, Vishwas Nagar,
Delhi.

... Respondents

(By Advocate Mrs Avnish Ahlawat)

JUDGMENT (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

In this application, Shri Suraj Bhan Singh, ASI, Delhi Police has impugned the order dated 28.8.89 imposing minor penalty of censure for having failed to hand over the files properly upon his being transferred from Welfare office of Lines Unit. The said impugned order, has been upheld in a appeal vide order dated 29.11.89 (Ann.E) and ~~the~~ revision vide order dated 7.3.90 (Ann.G).

2. We have heard Shri A.S. Grewal, counsel for the applicant and MS Avnish Ahlawat, counsel for the respondents.

3. The main ground alleged by Shri Grewal during the course of hearing, was that details of the files which the applicant is alleged not to have handed over at the time he was transferred, resulting in the penalty were not communicated to him which prejudiced him in his defence.

4. We note from the reply to the new show cause notice filed by the applicant, that he took no such plea before the Disciplinary authority, and merely asserted that he had handed over charge of all files at the time he was transferred and, he was therefore, blameless. If the applicant in fact, sought details of the files, which it is alleged he did not hand over at the time, he was transferred, he, should have taken this plea at the initial stage itself. Prima-facie therefore, this plea appears to be an afterthought and is not tenable at this stage.

5. We have carefully perused the Disciplinary authority's order as well as the order passed in appeal and revision. The Commissioner of Police in his revision order dated 7.3.93(Ann.G) has observed that the applicant should have handed over all the files in his custody relating to the Welfare Office and should also have put up the files to the ACP(Welfare) which were required to be discussed with higher authorities. We see no reason to disagree with him.

6. In the result the impugned order warrants no interference. This application is, therefore, dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member(Judicial)

S.R. Adiga
(S.R. Adiga)
Member(Administration)