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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A.NO. 2200/90

Decided on 02.02.1995

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

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Mahinder Pal Singh,  
S/o Shri Chander Sain  
r/o Village & P.O.Ballana  
P.S.Ballaini  
Dist. Meerut  
(Uttar Pradesh)

..... Applicant

(By Shri A.S.Grewal, Advocate)

Vs.

1. Commissioner of Police (Delhi)  
Delhi Police Headquarters  
M.S.O.Building  
I.P.Estate  
NEW DELHI.

2. Additional Commissioner of Police (Armed Police)  
Delhi Police Headquarters  
M.S.O.Building  
I.P.Estate  
NEW DELHI

3. Deputy Commissioner of Police  
3rd Bn. D.A.P.  
New Police Lines  
Kingsway Camp  
DELHI

..... Respondents

(By Shri Amrish Mathur, Advocate)

O R D E R (Oral)

(Delivered by Shri S.C.Mathur, Chairman)

This original application is directed against the order of punishment imposed upon the applicant as a result of the disciplinary proceedings drawn against him. By the impugned order the applicant has been reduced by 10 steps from Rs.1330 to Rs.1050 in the time scale of pay for a period of 10 years

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from the date of issue of the order. It has also been provided in the order of punishment that the applicant will not earn increment of pay during the period of reduction and on the expiry of this period such reduction will have the effect of postponing his future increments of pay.

2. The applicant at the relevant time was Head Constable, was posted at Shahdra Lockup. He was charged with allowing food and wine in the lockup to under trials, Shri Dhyan Singh S/o Bhagat Singh and Shri Lalu S/o Shri Bhairwa Ram. In support of the charges the department produced before the enquiry officer Inspector Shri Jai Pal Singh, IIIrd Battalion, Delhi Armed Police. Inspector Shri J.P.Singh supported the prosecution case. In cross-examination, it was questioned on behalf of the applicant whether the under-trials had been subjected to medical examination. He replied in affirmative and added that the medical report was in the negative. The disciplinary authority preferred to rely upon the sole testimony of Inspector Shri J.P.Singh for recording the finding of guilt against the applicant.

3. Learned counsel for the applicant has strongly relied upon the statement of Shri J.P.Singh wherein he mentioned that the medical report was in the negative to press his claim that the finding of guilt is not sustainable. We are unable to agree with the submission of the learned counsel as it is for the disciplinary authority and not the

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Tribunal to reapp<sup>a</sup>rise the evidence to come to a different conclusion. The disciplinary authority was competent to place reliance on the sole testimony of Shri J.P.Singh over the medical opinion.

4. No other point has been pressed by the learned counsel for assailing the order recorded by the disciplinary authority on the finding of guilt. In the circumstances the application is lacking merit and is liable to be rejected.

5. In view of the above, the application is dismissed. There will be no order as to costs.

P.T. Thiruvengadam  
(P.T. THIRUVENGADAM)  
MEMBER(A)

S.C. Mathur  
2.2.95  
(S.C. MATHUR)  
CHAIRMAN

/RAO/