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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.225/90

New Delhi this 1st June, 1994.

CORAM:

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

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

Rawat Ram, Sub-Inspector of Police No.D/1542,
Special Branch Delhi (under dismissal) at
present r/o village Bojla P.O.
Malsisar Teh. Bhadra, Distt. Sri Ganganagar,
Rajasthan .

(None for the applicant)
Versus

.....Applicant.

1. Deputy Commissioner of Police Special
Branch Delhi.
 2. Additional Commissioner of Police, CID,
Crime, Delhi.
 3. Commissioner of Police, Delhi.
 4. Delhi Administration through the Secretary,
Department of Home, Delhi
-Respondents.

By Advocate Shri B.R. Prasher.

ORDER(ORAL)

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

None for the applicant, although we waited
the entire
nearly/day. Shri B.R. Prasher, learned counsel for the
respondents is present.

This is a very old case. We thought it fit
to dispose it of after going through the materials
on record and hearing Shri Prasher.

2. The applicant Shri Rawat Ram, a dismissed
Sub-Inspector, Delhi Police, has impugned the
dismissal order dated 11.10.85 (Annexure-A 13), appellate
order dated 24.2.86 (Annexure-A15); revision order dated
15.9.86 and the order dated 11.6.87 (Annexures-A 16 &
A-17 respectively) rejecting his representation.

3. At the outset, it is noted that this O.A. is grossly delayed. It was filed on 6.2.90, that is nearly 2 years 8 months after the final order dated 11.6.87 (Annexure-A17) rejecting the applicant's representation and it is, therefore, hit by limitation under section 21 of the Administrative Tribunals Act. The applicant has himself admitted that the O.A. is time barred and has filed a Misc. application No. 1342/90 for condonation of delay. In this Misc. application, the applicant has contended that he had entrusted the filing of the O.A. to one Shri Guglani Advocate who had promised to do so, and also took fees for the same, but eventually this Advocate had let him down, compelling the applicant to engage another counsel in December, 1989, who also took time in filing the O.A.

4. The applicant may have been unlucky^m in engaging the counsel, and the delay in filing this application might have been condoned if the applicant's case was strong on merits, but ^{even on merits the} no good grounds have been advanced to warrant any interference in the orders passed.

5. The facts of the case are that ^mthe departmental proceedings were initiated against the applicant for his grave misconduct, while a tenant of one Shri Vinod Kumar, House Owner of House No. WZ-445, Shri Hari Nagar, Shakoor Basti, Delhi. It is alleged that the applicant was in the habit of mis-behaving with the house-owners, his wife and other members of the locality and creating a nuisance in the area under the influence of liquor. On 19.1.85, while drunk, the applicant assaulted the houseowner and went naked before the latter's wife. Upon the house-owner's complaint, H.C Balraj Singh

reached the house, but the applicant did not come out, and ~~feigned~~ ^{feigned} sleep. Thereafter, the applicant lodged a compliant against the houseowner but none in the locality supported his version. Earlier, on 4.3.83¹ the applicant had been arrested for disorderly conduct while drunk and causing breach of peace in the area. He had been got medically examined by the local police and on the basis of the medical report, the case had come to the court, and he had been warned by Munsif-Magistrate Shri P.D. Jarwal vide his order dated 7.9.83, as a result of which two years' approved service was temporarily forfeited entailing reduction in pay vide order dated 26.9.84.

6. The Enquiry Officer to whom the proceedings were entrusted, in his report dated 18.7.85 (Annexure-A10) held - the charges against the applicant fully proved. The Disciplinary Authority, after hearing the applicant in person, and going through the materials on record, accepted those findings and imposed the penalty of dismissal from service vide order dated 11.10.85, which was upheld in appeal on 24.2.86; in revision on 15.9.86; and by the order dated 11.6.87 rejecting the applicant's representation.

7. The grounds taken in this O.A. are no ~~diff~~ ^{diff} different from those taken in the appeal and the revision viz. that the earlier incident dated 4.9.83 for which he was punished departmentally should not form part of this enquiry; that two additional prosecution witnesses were examined beyond the list of those supplied to him; he was prejudiced by the non-supply of vigilance enquiry file relating to the 19.1.85 incident; extraneous matters have been introduced by the Enquiry Officer based upon the personal knowledge, which find no place in the

record; there had been non-application of mind; that the defence evidence was not considered; and that the punishment was excessive.

8. None of these grounds stand scrutiny. The previous incident dated 4.9.83 involving the applicant had been specifically included in the charges communicated to the applicant which is in accordance with rules. The examination of two additional P.Ws would have prejudiced the applicant only if he was denied opportunity to cross-examine them, but that is not his case. Evidence tendered in some other enquiry relating to the 19.1.85 incident cannot be introduced in this departmental enquiry and hence even if that vigilance enquiry file was not produced, as alleged by the applicant, it does not vitiate the enquiry. No extraneous or irrelevant matters were introduced by the Enquiry Officer and there was full application of mind. Regarding the quantum of punishment, it is well settled that the Tribunal cannot go into the same, unless they are utterly perverse or based on no evidence at all, but that is not the case here.

9. Under the circumstances, the impugned order warrants no interference and this application is accordingly dismissed.

10. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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