

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 270 of 1990

New Delhi this the 4th July, 1994

Mr. Justice S.K. Dhaon, Acting-Chairman  
Mr. B.K. Singh, Member

Shri Janak Shahi  
R/o QK-1/3 Type,  
J.P.S. Model Town,  
Delhi.

...Applicant

None for the Applicant

. Versus

1. Lt. Governor of Delhi,  
Raj Niwas,  
Delhi.

2. Commissioner of Police,  
I.P. Estate,  
New Delhi.

3. Deputy Commissioner of Police,  
Crime & Railway,  
I.P. Estate,  
New Delhi.

...Respondents

By Advocate Shri V.K. Rao

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Acting-Chairman

The applicant, a Constable in the Delhi Police was subjected to departmental proceedings which was conducted under the Delhi Police Act, 1978 and the Delhi Police (Punishment & Appeal) Rules, 1980.

2. It appears that earlier the applicant was subjected to disciplinary proceedings. An order dismissing him from service was passed. However, his appeal was accepted and the order was set aside. Consequently, he was reinstated in service and directed to join the service.

3. He remained absent from 5.5.1988 to 14.11.1988, 12.12.1988 to 2.5.1989 and 11.5.1989 to 12.09.1989. Therefore, fresh departmental proceedings were initiated against him. The usual procedure was followed. The summary of allegations was given to him. The departmental evidence was recorded by the enquiry officer. Thereafter,

charges were framed by the enquiry officer. He submitted his report to the disciplinary authority. The disciplinary authority furnished the <sup>applicant</sup> with the enquiry officer's report and also gave him a show cause notice as to why he should not be dismissed from service. The disciplinary authority before passing the order of punishment called the applicant in O.R. 9 times, but he failed to appear on any one of the occasions. It, after considering the reply of the applicant to the show cause notice and in agreement with the recommendation of the enquiry officer, awarded him (the applicant) the punishment of dismissal from service.

4. Feeling aggrieved, the applicant preferred an appeal which was dismissed by the Additional Commissioner of Police on 19.01.1990 by a well reasoned speaking order.

5. We have gone through the appellate order carefully and we are unable to discern any illegality in the same. The appellate authority recorded a categorical finding that the applicant remained absent from duty during the aforesaid period. It agreed with the finding of the disciplinary authority that the charge of wilful absence from duty was brought home to the applicant. He also recorded a finding that the punishment awarded to the applicant was commensurate with the guilt attributed to him.

6. We are not sitting as a court of appeal. We are, therefore, not entitled to appreciate the evidence recorded by him. We are also not entitled to interfere with the quantum of punishment given to the applicant. We are satisfied that the authorities concerned neither acted irrationally nor arbitrarily in awarding the punishment of dismissal from service.

.3.

7. This application fails and is dismissed. The interim order passed on 20.02.1990 is vacated. There shall be no order as to costs.

  
(B.K. SINGH)  
MEMBER (A)

  
(S.K. DHAON)  
ACTING CHAIRMAN

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