

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 163/1995
in
D.A. NO. 2564/1990

New Delhi this the 29th day of December, 1995

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Surender Singh S/O Ram Chander,
R/O North East District Police
Lines, Police Station Welcome,
Delhi.

... Applicant

(By Shri Ajit Singh Grewal, Advocate)

-Versus-

1. Commissioner of Police, Delhi,
Delhi Police Hqrs., M.S.O.
Building, I.P.Estate,
New Delhi.

2. Additional Commissioner of
Police, New Delhi Range,
New Delhi, Delhi Police Hq.,
M.S.O. Building, I.P.Estate,
New Delhi.

3. Deputy Commissioner of Police,
North East District,
Vishwas Nagar,
Shalimar Park, Delhi.

... Respondents

ORDER (By Circulation)

Shri N. V. Krishnan, Acting Chairman —

D.A. 2564/90 was dismissed on 21.3.1995 when
none was present for the applicant.

2. The applicant has sought a review of that order.
We have seen the review application. We are satisfied
that it can be disposed of by circulation and we
proceed to do so.

3. In disciplinary proceedings the applicant was
found to be in a drunken state and was unable to
control himself. Hence, his entire service was
forfeited permanently and pay reduced to the minimum
of the pay scale. The appeal was also dismissed.

(19)

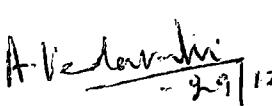
4. The learned counsel for the applicant had appeared on an earlier occasion and contended that the applicant was not on duty and, therefore, even if he was drunk, he could not be punished. No other ground was raised by him then.

5. In the review application, it is stated that a copy of the enquiry officer's report was not given to the applicant and that on this ground alone the DE proceedings should be held to be invalid. The other grounds raised ^{as} ~~are~~ argumentative in nature.

6. In so far as the ground regarding non-service of the enquiry officer's report is concerned, as mentioned above, this was not raised when the learned counsel for the applicant had appeared before us on 23.2.1995. Hence, there is no error apparent on the face of the record. That apart, even this default need not necessarily vitiate the disciplinary proceedings as held by the Supreme Court in Managing Director, ECIL, Hyderabad vs. B. Karunakar : JT 1993 (6) SC 1.

7. For the reasons mentioned in our order, we are satisfied that non-furnishing of the enquiry officer's report has not prejudiced the applicant. Hence, we do not find any merit in this ground.

8. The review application is dismissed.


- 29/12/95
(Dr. A. Vedavalli)
Member (J)


- 29/12/95

(N. V. Krishnan)
Acting Chairman

/as/