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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 854/90

New Delhi this the 27th October, 1994.

Shri N.V. Krishnan, Vice Chairman(A).

Smt. Lakshmi Swaminathan, Member(J).

Gurmeet Singh,
S.I. No. D/337, III Bn.,
D.A.P., Tihar Jail,
Delhi Police,
New Delhi.

...Petitioner.

None for the petitioner.

Versus

1. Lt. Governor/Administrator,
Delhi Administration,
Delhi.

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

...Respondents.

By Advocate Mrs Avnish Ahlawat.

ORDER (ORAL)

Shri N.V. Krishnan.

The applicant, a Sub-Inspector in the Delhi Police, is aggrieved by the penalty imposed by the disciplinary authority as modified by the appellate authority to forfeiture of one year's approved service temporarily. The applicant was proceeded against on the following summary of allegations:

"On 2.11.86, one Mr. NOUR HIDDJOU I an ALGER national holder of passport No. 0033537 dated 25.10.83 arrived in India through I.G.I. Airport, New Delhi. He was a subject of our record and his entry into India was banned. The subject was allowed to enter in India by S.I. Gurmeet Singh No. D/337 who was working as Clearing Officer in the night between 1/2.11.86 in the arrival side.

The above act of S.I. Gurmeet Singh No. D/337 clearly shows his gross negligence and dereliction of duty for which he is liable to be dealt with departmentally under section of 21 of Delhi Police Act, 1978".

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2. In the inquiry report, it was established, particularly by the evidence of PW-4 that the applicant had failed to feed into computer the name of the subject Mr. Nour Hiddjoui. PW-4 has mentioned that 22 passengers had alighted during shift 'B' when the applicant was on duty and a check between 1.5 to 1.15 hrs. was made. He had filed Exhibit-8 which is a list of the passengers who were checked by feeding their names in the computer. Out of the 22 passengers, only 16 names had been fed in. The name of subject Nour Hiddjoui is not in the list. The applicant did not cross-examine this witness.

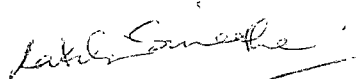
3. However, in his defence statement, the applicant stated that the name of the subject Mr. Nour Hiddjoui written in the TLOC was wrong and that this passenger would have been cleared in any case. He also submitted that computers were generally out of order. He further asserts that he fed the subject's name in the computer but the name did not figure in the computer list of passengers, i.e. Exhibit-8.

4. On the last occasion, when the matter was heard in the presence of the learned counsel for the applicant, we had directed the learned counsel for the respondents to produce Exhibits 7 and 8 documents as well as the evidence of the witness PW-4 who proved these documents.

5. None is present for the applicant today. The learned counsel for the respondents is, however, present before us. We have heard her.

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6. We are not persuaded to believe that the applicant fed the name of the subject and the computer did not ~~feed~~ react to that name because ^{of a fault} of any computer fault. If that was so, the computer ^{should} have been detected and should have been brought to the notice of the authorities at once. In any case, as many as 16 names have come out of the computer. This plea does not bear scrutiny.
7. It was explained by the delinquent that in the name of the subject, one letter was wrongly spelled, namely, 'G' was substituted for 'J' and similarly in the passport number one digit '3' was missing. Even if the incorrect spelt name was fed into the computer, there would have been an appropriate response and a manual examination could have been done.
8. What is more important is that this applicant did not cross-examine any witness to prove the possibilities he envisaged viz., the computer was out of order or that the name and passport number being defective did not produce any response.
9. In the circumstances, we are of the view that the applicant's defence is an after thought. We are, therefore, not inclined to interfere with the findings of the disciplinary authority and the penalty imposed by the appellate authority. O.A. is, therefore, dismissed. No costs.


(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)


27.10.94
(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'