

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

(9)

DA 952/90

New Delhi, this the 11th day of October, 1994

Hon'ble Mr. J.P. Sharma, Member(J)

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

Sh. Jagbir Singh, Constable No.521/N  
S/o Sh. Daya Chand  
C/o Sh. Chander Bhan  
C-19, New Police Lines, Kingsway Camp  
Delhi

.... Applicant

Vs.

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

2. Additional Commissioner of Police  
(Northern Range)  
Delhi Police Headquarters  
M.S.O. Building  
I.P. Estate, New Delhi

3. Additional Deputy Commissioner of Police  
North District, Near P.S. Civil Lines  
Delhi

.... Respondents

ORDER(Oral)

Hon'ble Mr. J.P. Sharma

The applicant has assailed the order dated 30th August, 1988 by which a departmental enquiry under Delhi Police Act, 1978 was initiated and punishment of forfeiture of one year service permanently was inflicted upon him by the disciplinary authority Additional Deputy Commissioner of Police which was upheld by the Additional Commissioner of Police by the order dated 4th April, 1989. The applicant has prayed for quashing of this order of punishment with

[e]

....2/-

consequential benefits and the period under suspension from 26th September, 87 to 14th January, 88 be ordered to be treated as period spent on duty.

2. The respondents contested this application and in the reply opposed the ground of the reliefs stating that while the applicant was posted at P.S. Pitam Pura on 25/26th September, 87, he was detailed for night reserve duty from 8.00 P.M. to 8.00 A.M. but he did not report for duty till 11.45 P.M. and was marked absent. On learning that he has been marked absent, he took up quarrel with one Constable Moinuddin, misbehaved and abused him under the influence of liquor. He also fled away from the Police Post. Sh. Vijay Kumar was appointed as Enquiry Officer who gave his finding of guilty against the applicant in a report dated 2nd July, 88 and based on that report the disciplinary authority passed an order of punishment impugned in this case.

3. The applicant has not filed any rejoinder in this case though he has been given sufficient opportunities. In fact, none is appearing on behalf of the applicant. On earlier dates fixed before the Deputy Registrar in January, 91, March, 91 as well as in December, 90. It goes to show that the applicant has no interest in pursuing the matter.

4. Sh. A.S. Grewal, counsel for applicant and is also not present. It is now about 4.25 P.M. when we have taken up this case.

5. We have perused the record and find that the Enquiry Officer has examined the Constable Moinuddin of PWI who has supported the summary of allegations of the applicant that he did not report for duty on 25.9.87 and also misbehaved with him. This fact is supported by Sh. H.C. Randir Singh, PW-4; Constable Ram Parshad, PW-5; and Inspector Hoshiar Singh, PW-6.

6. Having gone through the proceedings of the Departmental Enquiry annexed by the applicant himself and mentioned in the Enquiry Officer's report, taking all these facts into account we find that the rules of procedure has been observed by the Enquiry Officer and disciplinary authority as well as appellate authority has passed these detailed orders. We agree with the finding of the Enquiry Officer. In view of the above facts, we find no merit in the case and the same is dismissed.

Cost on parties.

*Adige*  
(S.R. Adige)  
Member(A)

*Sharma*  
(J.P. Sharma)  
Member(J)

/ravi/