

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1552/1991

New Delhi, this 25th day of July, 1995

Hon'ble Shri J.P. Sharma, Member(J)  
Hon'ble Shri R.K. Ahooja, Member(A)

Shri Anand Prakash  
c/o Shri Daya Nand  
District Lines  
Seelampur, Delhi .. Applicant

By Shri A.S. Grewal, Advocate (not present)

versus

1. Commissioner of Police  
Police Hqrs., New Delhi
2. Addl. Commissioner of Police  
Police Hqrs., New Delhi
3. Dy. Commissioner of Police  
North-East District  
Seelampur, Delhi .. Respondents

Shri O.N.Trishal, Advocate

ORDER(oral)

Shri J.P. Sharma

The applicant joined the Delhi Police in June, 1980. He was posted in P.S.Seelampur. While he was detailed for suspect duty outside the room of ASI Avtar Singh, where a rikshaw puller was kept under his charge on the night of 11/12.6.88, on the orders of ACP, ASI Bijender Singh asked for the keys of the room but the applicant started hustling fithy abses and replied in a very indecent manner and it was found that he was under the influence of liquor. He was also medically examined at SDN Hospital, wherein the MO opined that the applicant had consumed liquor. On 14.6.88, he also misbehaved with SI Chotu Ram of PS, Shahdara and threatened him and others of dire consequences. Shri R.K.Joshi was appointed as Enquiry Officer and on his transfer Inspector H.P.Singh SH/Geeta Colony replaced him, who completed the enquiry and submitted his report

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on 30.4.89 holding the defaulter guilty of the charge levelled against him. The disciplinary authority agreed with the findings of the enquiry officer and issued a show cause notice which received by the defaulter on 24.5.89. to which he submitted his reply in June, 89. The disciplinary authority after going through the <sup>p</sup>reply and hearing the defaulter found him guilty and imposed a penalty of forfeiting 3 years approved service of the applicant permanently, and reducing by three stages of pay from Rs.1030 to Rs.970 in time scale of pay with cumulative effect from the date of issue of the order. Also the suspension period of the defaulter with effect from 12.6.88 to 6.10.88 was ordered to be treated as not spent on duty. This order is dated 31.7.89, Against which the applicant preferred an appeal, which was rejected by the ACP by his order dated 19.12.89 and his revision was also rejected by order dated 21.1.91. Therefore the applicant has filed this OA praying for washing of the impugned orders.

2. The respondents contended the application by stating that the applicant had misbehaved with his higher authorities while performing his duty and he was also <sup>under</sup> the influence of liquor. The enquiry officer after examining the administrative witnesses had sufficient evidence to frame the charge. As many as six witnesses for the administration including the ACP/Shahdara have admitted the misbehaviour of the applicant in their evidence. Even the findings of the enquiry officer is based on the administrative evidence and the disciplinary authority was not satisfied with the reply of the applicant.

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3. When the case was taken up in the forenoon, we had waited for Shri A.S.Grewal, who is representing the applicant, but he did not appear. Even after lunch when we were proceeding with the case he did not appear. However, we have heard Shri D.N.Trishal, learned counsel for the respondents who appeared in the forenoon and also in the afternoon. We have asked the Department to produce the department file. The departmental representative has stated that he could not bring that file as the same has been sent when the applicant was transferred to another station.

4. In any case, we have gone through the material available on the judicial file, which justify the conclusion drawn by the enquiry officer.

5. The ACP in his order has stated that it is clearly proved that the appellant misbehaved with SI Chotu Ram and duty officer ASI Vijender Singh in the presence of ACP/Shahdara, who found him drunk established and thus rejected his appeal. The enquiry officer has correctly arrived at his conclusion on the basis of the administrative witnesses evidence on record. In the circumstances, the impugned orders do not call for our interference. The OA is therefore is dismissed even on merits in addition to default of appearance.

*R. K. Ahooja*  
(R.K. Ahooja)  
Member(A)  
25.7.95

*J. P. Sharma*  
(J.P. Sharma)  
Member(J)  
25.7.95

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