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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.167/91

Dated this the 23rd Day of May, 1995

Shri N.V. Krishnan, Hon. Vice Chairman(A)
Dr. A. Vedavalli, Hon. Member(J).

Shamsher Singh,
S/O Shri Ishwar Singh,
R/o Village & P.O. Harsana Kalan (Malcha),
District Sonapat, Haryana. ...Applicant

By Advocate: Shri A.S. Grewal (though not present).

Versus

1. Commissioner of Police Delhi,
Delhi Police Headquarters, M.S.O. Building,
I.P. Estate, New Delhi.
2. Additional Commissioner of Police,
Southern Range, Delhi Police
Headquarters, M.S.O. Building,
I.P. Estate, New Delhi.
3. Deputy Commissioner of Police,
West District, P.S. Rajouri Garden,
New Delhi ...Respondents

(Shri Umaid Singh, Head Constable, departmental
representative on behalf of the respondents).

O R D E R (Oral)
(By Shri N.V. Krishnan)

When this case was called up for final hearing
today, none was present for the parties. We have,
therefore, perused the records and pass the following
orders.

2. The applicant, a Police Constable, is
aggrieved by the penalty imposed on him in disciplinary
proceedings which has been maintained in appeal and
revision.

3. The charge against the applicant is as
follows:-

"I, Inspr, Satvir Singh, I/C Vigilance, West
Distt. charge you constables Shamsher Singh
No.720/W and Ramesh Kumar No.1471/W that on
15.9.87 you abused one Ram Lakhan s/o Shri
Ram and his wife r/o 1/72, Mangolpuri at
their residence under the influence of liquor.

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(2)

Ram Lakhan later lodged a report vide D.D.No.19 Dt. 15.9.87 against you both was marked to S.I. Lala Ram for enquiry where you both used filthy language for S.I. Lala Ram and Const. Ramesh Kumar slapped the S.I. You both slipped away from the P.S. when you were asked to stay in P.S. for your medical examination.

The above act on your part shows gross misconduct remissness, indiscipline and dereliction in the discharge of your official duty, for which you are liable to be punished u/s 21 of Delhi Police Act, 1978."

4. Thus there are two parts to the charges, One is that the applicant and his colleague Ramesh Kumar abused Ram Lakhan and his wife at their residence in Mangolpuri. The second is that when SI Lala Ram, enquiring into the matter, called both Constables for enquiry, both used filthy language against the SI, the other Constable Ram Lakhan slapped the SI, and both the Constables slipped away from the Police Station though asked to remain for medical examination. In the order at Annexure-E, it is stated that the public witness has turned hostile during the course of departmental enquiry. However all the police witnesses have confirmed that both the constables had behaved in an unruly and indisciplined manner with SI Lala Ram. Hence, though a notice to show cause why he should not be dismissed from service was issued, the penalty imposed was forfeiture of five years approved service permanently, accompanied by reduction in the pay by five stages permanently. The appeal and the revision filed, have been dismissed.

5. The challenge is on the ground that the complainant Ram Lakhan did not support the prosecution version. The SI Lala Ram is an interested witness and others merely made a statement to

support their colleague Lala Ram. It is alleged that SI Lala Ram was annoyed with the applicant because, in an earlier criminal case, where the SI Lala Ram arrested and accused a person, that accused was released by the Court of the concerned Metropolitan Magistrate. It is stated that the SI Lala Ram suspected that the applicant has poisoned the ears of the Metropolitan Magistrate. Hence he has now implicated him.

6. Having seen the proceedings, we are of the view that the grounds raised have no substance. The fact that Ram Lakhan, complainant, did not support the prosecution case would only mean that the charge at Annexure-D reproduced above in so far as it concerns the allegation that the applicant abused the complainant and his wife, could not be established. The second limb of the charge relates to what happened in the Police Station when SI Lala Ram inquired into it. It is clear from the findings of the disciplinary authority that the second limb of the charge, is clearly established. In this regard the only plea is SI Lala Ram is an interested witness. The reason given for this allegation as mentioned above is preposterous. It is suggested that the SI entertained the suspicion that the applicant had poisoned the ears of Metropolitan Magistrate. We are unable to contemplate such a situation. Therefore, there is sufficient evidence to establish the second limb of the charge. Therefore, the guilt has been partly proved and punishment has been imposed.

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7. In so far as the punishment is concerned, it is not for us to determine its quantum, we do not find anything unreasonable about the punishment. The allegation that this amounts to a double punishment is without any basis. If permanent service is forfeited, for all purposes, it would necessarily imply a corresponding reduction in the pay. In the circumstances, we find no ^{merit} ~~reason~~ in this OA. It is dismissed. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)

N.V. Krishnan
23.5.85
(N.V. Krishnan)
Vice Chairman(A)

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