

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.
OA.No.2349/91
Dated this the 1st day of December, 1995.

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Dr. A.Vedavalli, Member (J)

Ashwini Kumar,
S/o S.P. Dhir,
Sub Inspector (Commns),
Office of the Deputy Commissioner
of Police, Central District, Delhi.
R/o B-7, Paharganj Police Quarters,
Delhi.Applicant

Represented by Shri S.P. Dhir, father of the
applicant.

versus

Shri K.P. Johan, Deputy Commissioner of
Police (Communications), Rajpur Road,
Delhi.Respondents

By Advocate: Shri Amresh Mathur.

O R D E R (Oral)
(By Hon'ble Shri S.R. Adige)

In this application, Shri Ashwini Kumar, Sub Inspector of Police (Radio Mechanic) has impugned the order dated 30.6.89 forfeiting six years of approved service permanently with cumulative effect entailing reduction in the applicant's pay from Rs.1650.00 to Rs.1600.^{pp} p.m. w.e.f. 2.11.1987 and treating the period of suspension as not spent on duty.

2. Shortly stated, the applicant was proceeded again departmentally on the allegation that while detailed for V.I.P. route communication duty in connection with the visit of the President of India to Vigyan Bhawan on 2.11.1987, he lost ¹ ~~the~~ wireless set

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at about 5.00 p.m. that evening which was lateron, found on the rear lawns on Vigyan Bhawan at about 6.30 p.m. It is alleged that the applicant has also tried to mislead his senior officer Inspector Suderson Lal and was found under the influence of liquor, after which he was sent for medical examination where, it was detected that he had consumed alcohol but was not under the influence of ~~that~~.

3. The applicant was immediately placed under suspension but was reinstated in service on 8.2.88. The Enquiry Officer completed his Departmental Enquiry and submitted his findings on 28.8.88 holding the applicant guilty of the charge. Accepting the findings of the Enquiry Officer, the Departmental authority imposed the impugned punishment, which was upheld in appeal against which this OA has now been filed.

4. The OA itself has not been filed in the proper form and no specific grounds have been taken in the OA besides a general plea for justice.

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5. The applicant was to argue the case in person but he did not appear and his father Shri S.P. Dhir placed the facts before us. On behalf of the respondents, we have heard Shri Amresh Mathur.

6. The basic contention of the applicant is that he had a meritorious career all through, and that while on duty on 2.11.1987, the Assistant Commissioner of Police (Communications) Shri R.K. Mittal and Inspector of Police Shri Suderson Lal came to Vigyan Bhawan and started talking to the applicant and after finishing the talk when he returned to the vehicle, he found the wireless set missing and he immediately lodged a complaint in the police station and the set was recovered later on from the rear lawn of Vigyan Bhawan. The applicant states that he has stated in the OA how the set was taken away from the vehicle when he was busy talking with the above persons and he states that somebody did this only to harm his career. He has denied having consumed liquor while on duty.

7. During hearing, Shri Dhir has contended that the set was a Defective one

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(P)

and the applicant had placed it on the bonet of the car while he was talking to the ACP (Communications) and Inspector of Police and the wireless Set was in any case to be replaced. He further states that the applicant went to ease himself and was away for 2 to 3 minutes and by the time he returned the set was missing.

8. Both the disciplinary as well as the appellate authority have stated that, had the wireless set fallen into the wrong hands, this act of negligence and carelessness on the part on the applicant could have proved disastrous, causing irreparable loss/damage to the nation in the prevailing security environment and the applicant thereby exhibited carelessness, negligence and misconduct unbecoming of the police officer. It is difficult to disagree with these conclusions. It is not the applicant's case that sufficient opportunity was denied to him to defend himself in the DE, and Sh. Dhir has not been able to establish any infirmity in the conduct of the proceedings which would warrant our intervention. Under the circumstances, we find ourselves unable to grant the relief prayed for by the applicant. This OA accordingly fails and is dismissed.

No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

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

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