

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.29/91

NEW DELHI THIS THE 2nd DAY OF JANUARY, 1995.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri Bidi Singh,
S/o Shri Madu Ram
Quarter No.B-3,
P.S. Keshav Puram,
Delhi.

...Applicant

(By Advocate : None)

VERSUS

1. Commissioner of Police Delhi
Delhi Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi.
2. Addl Dy Commissioner of Police,
North District, Near P.S. Civil Lines,
Delhi.
3. Lt. Governor Delhi, through
The Chief Secretary,
Delhi Administration,
Delhi.Respondents

(By Advocate : Shri Surat Singh)

JUDGEMENT (ORAL)

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

The applicant joined Delhi Police as constable on 21.12.1953. His Date of Birth is 19.03.1934. His normal date of superannuation would have been 31.12.1992. The applicant has a grievance that in accordance with Rule 48 (i) (b) of C.C.S. (Pension) ~~the respondents should~~ Rules, 1972/consider the case of the applicant

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as he had crossed the age of 55 years on 11.03.89. The Screening Committee after examining his case has ordered compulsory retirement w.e.f. 07.09.1990, by paying him sum equivalent to the amount of his pay plus allowance for a period of three months calculated at the same rate at which he was drawing immediately before his retirement. The applicant filed this application in January, 1991 and he challenged the Order dated 7th September, 1990 praying for the grant of the relief that the applicant deemed to be in service and should not be evicted from the quarter No.3, Type-B, P.S. Lawrence Road, (Keshavpuram) Delhi. By the Order dated 4.1.1991 an interim direction was issued that the applicant may not be evicted from the said quarter. This order was made absolute subsequently.

2. On notice the respondents contested this application and stated that on the basis of service record of the applicant the Screening Committee passed the impugned order. The service record of the applicant goes to show that he had been punished in a departmental proceeding by forfeiture

of 5 years service. He was also under suspension in February, 1979 and was reinstated in service six months, thereafter. He was again suspended in November, 1986 and was reinstated in May, 1987 and the period under suspension was treated as not spent on duty. He was also warned for negligence and was also awarded P.D. for absence. There were also complaints against him of indulging in naffarious activities of smuggling of illicit liquor at Railway Station, Subzimandi. His integrity was also doubted. He was also branded as vindictive and indisciplined.


3. None is present on behalf of the applicant, nor any rejoinder has been filed to rebutt the stand taken by the respondents in the counter-affidavit. We have gone through the record and also taken help of the learned counsel for the respondents Shri Surat Singh. The short un rebutted reply of the respondents goes to show that the service record of the applicant was considered by the Screening Committee and the conclusion drawn is not unreasonable and squarely falls within the ambit and scope and cannot be judicially reviewed

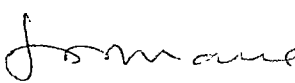
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in view of the authority in case of
Baikuntha Nath Das & Another Vs. Chief D.M.O.
Baripada, reported in J.T. 1972 (2) SC 1.
The integrity of the applicant has been
doubted and his service record even of the
last 5 years is of such a nature which goes
to show that he has outlived his utility
and is not an asset to the Police Force.

4. In view of the above facts and
circumstances of the case, the present
application is totally devoid of merit and
is dismissed.


(R.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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