

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

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(b)

O.A. 334/1991

DATE OF DECISION 9.8.1991

SHRI AJIT SINGH

.....APPLICANT

VS.

LT. GOVERNOR DELHI ADMINISTRATIONRESPONDENTS
& OTHERS

CORAM

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

SHRI B.B. MAHAJAN, HON'BLE MEMBER (A)

FOR THE APPLICANT

.....SHRI GYAN PRAKASH

FOR THE RESPONDENTS

.....MRS. AVNISH AHLAWAT

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J))

Ajit Singh, Inspector in the Office of Deputy Commissioner of Police (Security) filed this application under Section 19 of the Administrative Tribunals Act, 1985 aggrieved by the order dated 25.4.1990 rejecting his representation, order of D.P.C. dated 9.11.1987 regarding punishment of censure, order of Additional Commissioner, Police dated 11.8.1988 rejecting the appeal and order dated 20.2.1990 containing orders of Commissioner of

(A)

Police on revision. In this application, the applicant claimed the following reliefs :-

- (i) The respondents may be directed to quash order dated 9.11.1987 imposing penalty of 'Censure' to the applicant and subsequent orders of his appeal/revision petition/representation dt. 11.8.88, 20.2.90 and 25.4.90. These orders are arbitrary, discriminatory, against principles of natural defence, equity and service jurisprudence.
- (ii) The respondents may be directed to give consequential reliefs/benefits to the applicant after quashing of the order prayed for above.

We have heard the learned counsel of the applicant at length. Mrs. Avnish Ahlawat, counsel for the respondents also appeared subsequently.

2. The brief facts of the case are that the applicant was posted as S.H.O., Shahdara. An offence appears to have been committed within the circle of that police station and one Smt. Usha Sharma was robbed of her purse containing Rs.700/- and a ring. The said lady complained at the police station. The case of the applicant is that he was not present at that time at the police station and instead one S.I. Sher Singh was on duty at that relevant time and when the applicant returned from patrol duty in the night of 9th March, 1987 after 10.20 P.M., i.e., after the incident of robbery which took place on the same night at 8.50 P.M., till then he was not aware of the incident. The case was

registered on 10.3.1987 at the police station as F.I.R. No.132 dated 10.3.1987 under Section 379.

The case was ultimately closed ^{and filed} on 22nd July, 1987.

The A.C.P. of the said police station reported to the higher authorities about the negligence on duty of the applicant. The applicant was served with a show-cause notice by D.C.P. in March, 1987 about the lapses committed by him in March, 1987. The applicant was ultimately given a show-cause notice as to why his conduct should not be censured, but the applicant did not file any written reply to the show cause notice.

The applicant was awarded the punishment of censure on 9.11.1987 and the further departmental remedy taken by the applicant also went against him by a series of orders referred to above.

3. The order at Annexure-A 1 dated 4.11.1987 goes to show that the applicant did not submit any explanation to the show cause notice given to him as to why he did not register the case under appropriate section of law and why he did not inform the A.C.P. or D.C.P./E about the incident and tried to minimise the offence. Since no reply was furnished by the applicant, so the impugned punishment of censure was passed. The respondents filed the reply and denied the various contentions raised by the

applicant and it is also stated that the petition is barred by time. The appeal was dismissed on 11.8.1988. The revision was filed on 12.12.1989 to Commissioner of Police which was hopelessly time barred and, therefore, the same was dismissed. Appeal against dismissing the revision was also dismissed. However, we are not on the point of limitation. In fact, the learned counsel for the applicant submitted that there was some lapse of supervision on the part of the applicant. The various entries in the general diary filed by the applicant at Annexure-11 goes to show that the Inspector returned to the police station on 9.3.1987 at 10.20 in the night. The written report was already at the police station on 9.3.1987. However, this report appears to be recorded on 10.3.1987 at 9.15 A.M. So the applicant was very much at the police station after the receipt of the report. In any case, the applicant has not alleged any illegality or irregularity in the procedure adopted in imposing punishment on the applicant. The applicant did not submit any explanation and did not file any appeal within time to the higher authorities. He has taken everything non seriously.

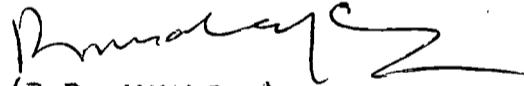
4. The only point in this application that the allegation against the applicant that he did not inform his senior

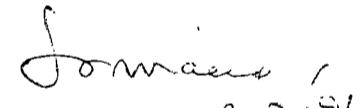
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officers and that he did not get the case registered under proper section of the I.P.C. But the ground alleged to quash the impugned order is that S.I. Sher Singh has committed the lapse as he was posted at the time at the police station. However, the case was registered on 10th March, 1987 when the applicant was verymuch at the police station having returned at 10.20 P.M. on 9.3.1987 after patrol duty. So this is falsified from the record itself.

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5. We do not find any substance in this application nor there arises any issue for adjudication. The application, therefore, is dismissed in limine at the admission stage itself leaving the parties to bear their own costs.


(B.B. MAHAJAN)
MEMBER (A)


J.P. SHARMA
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MEMBER (J)