

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No.381/91

New Delhi this the 26th day of February, 1996.

Hon'ble Sh. S.R. Adige, Member (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Prem Singh,
Sub-Inspector,
NO.D/1690, Vth Bn.,
New Delhi.Applicant

(By Advocate Sh. S.K. Dübey, though none appeared)

Versus

1. Delhi Administration through its Chief Secretary, Old Secretariat, Rajpura Road, Delhi.
2. The Commissioner of Police, Police Headquarters, I.P. Estate, New Delhi-110 002.Respondents

(By Advocate Sh. Girish Kathpalia)

ORDER(Oral)
(Hon'ble Mr. S.R. Adige)

In this application, Sh. Prem Singh, Sub-Inspector of Police has impugned the order dated 4.5.89 censuring him for his failure to perform his duty, and the appellate order dated 29.11.89, rejecting his appeal.

2. It appears that a show cause notice was issued to the applicant on 14.2.89 (Annexure-III), in which he was called upon to show cause why he failed to check the trucks at G.T.K. Road Daula Kuan Petrol Pump (Sanjay Gandhi Transport Nagar) on the eve of Republic Day 1989. He submitted his show cause reply on 3.3.89 (Annexure IV) in which he took the plea that he had neither been detailed for duty as per duty roster, nor had the

S.H.O. ever asked him to perform such duties.

3. The applicant's reply to the show cause notice was considered, and not being found satisfactory, the same was rejected by order dated 4.5.89, whereby the punishment of censure was imposed upon him, and his appeal against that order was rejected by the impugned order dated 29.11.89.

4. None appeared for the applicant when the case was called upon, though we waited till 2.15 p.m. As this is an old case, we are disposing it of after perusing the material on record and after hearing the learned counsel for the respondents Sh. Girish Kathpalia.

5. The main ground taken by the applicant is that he was not detailed for duty at the G.T.K. Road Daula Kuan Petrol Pump, nor was he ever asked to perform the duties of checking the Trucks at that point on the eve of Republic Day 1989.

6. In this connection, we find that on 30.10.95 the applicant's counsel has filed an English translation of a written statement purported to have been made by one Constable Rajmal Singh in which he had stated that he had ~~not~~ been instructed by the S.H.O. Samai Pur Badli to inform the applicant that he is being deputed at the G.T.K. Road Daula Kuan (Sanjay Gandhi Transport Nagar) to check Trucks at that point and to which the applicant had replied that he should get it in writing from the S.H.O.

This averment of Constable Rajmal Singh is supported by the contents of the report dated 13.1.91 of the S.H.O. Samai Pur Badli, which was available in the original file, from which, the show cause notice was issued to the applicant and which was shown to us for our perusal.

7. Under this circumstance, we have no reason to disbelieve the respondents' assertion that the applicant had been called upon to check the trucks at the G.T.K. Road Daula Kuan Petrol Pump (Sanjay Gandhi Transport Nagar).

8. It is well settled that every subordinate officer is expected to carry out the lawful orders issued to him by his superiors, and cannot lawfully insist that each such order, however innocuous and proper it may be, is to be supplied to him in writing. There are no material before us to suggest that the instruction given to the applicant to carry out checks was not lawful.

9. Under the circumstance, we see no reason to interfere with the matter. The O.A. fails and is dismissed. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member(J)

S.R. Adige
(S.R. Adige)

Member(A)

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