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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.695/91

New Delhi, this the 11th day of January, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman
Hon'ble Mr B.K.Singh, Member(A).

Prem Singh, Sub Inspector
No.1690, 5th Bn.D.A.P.,
New Delhi. ... Applicant.
(none appeared)

vs.

1. Delhi Administration through
its Chief Secretary, Old
Secretariat, Rajpura Road,
New Delhi.
2. The Commissioner of Police,
Police Headquarters,
I.P.Estate,
New Delhi. ... Respondents.
(by Mr O.N.Trishul, Advocate).

O R D E R (Oral)

The petitioner, a Sub Inspector of Police was on 7.3.1989 given an entry of censure by the Assistant Commissioner of Police on 18.12.1989. The Additional Commissioner of Police dismissed the appeal of the petitioner and maintained the order of Assistant Commissioner of Police. These two orders are being impugned in the present application.

2. Proceedings were initiated on the basis of a Show-Cause notice issued to the petitioner. The substance of the show-cause notice is this. The petitioner was the Investigating Officer of the case F.I.R.No.199/88 under Sections 452/323/34 Indian Penal Code dated 6.9.1988. One Hari Ram lodged a First Information Report stating therein that Narain Singh alongwith some other persons had criminally trespassed into the factory.

S.W.

The petitioner recorded the statement of two witnesses, namely, Hari Ram and Tulsi Dass.

According to the statement of Tulsi Dass, Tilak Raj and Chhatu were sleeping inside the factory.

The petitioner did not examine the aforesaid two persons. The petitioner did not make sincere efforts to trace out Tilak Raj and Chhatu. Some witnesses were examined and their statements were recorded under Section 161 Criminal Procedure Code. There are contradictions and discrepancies in their statements. The petitioner did not care to clarify the discrepancies. The petitioner did not take interest in the investigation of the case as it led to no conclusion. The conduct of the petitioner shows that he was negligent and irresponsible in conducting the investigation of the case.

3. The petitioner submitted a reply, which was duly considered. The Assistant Commissioner of Police has observed in his order that the petitioner was even given an oral hearing. The Assistant Commissioner of Police came to the conclusion that the charge was brought home to the petitioner. The appellate authority has given a reasoned order. It concurred with the opinion of the Assistant Commissioner of Police.

4. We have gone through the record and we find no infirmity either in the original order or the order passed by the Appellate Authority. No ground, therefore, exists for interference.

5. In the result, the application is dismissed but without any order as to costs.

(B.K.Singh)
Member(A)

(S.K.Dhaon)
Vice Chairman