

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.942/91

Hon'ble Shri Justice S.C.Mathur, Chairman
Hon'ble Shri P.T.Thiruvengadam, Member(A)

New Delhi, this 3rd day of May, 1995

Shri Satish Kumar
Constable No.1104/SD
s/o Shri Kale Singh
r/o Village Lalpur
Faridabad(Haryana).

... Applicant

Versus

Delhi Administration through

The Chief Secretary
O.d Secretariat
Delhi

The Commissioner of Police
Delhi Police
Police Headquarters
I.P.Estate
New Delhi.

The Dy. Commissioner of Police
South District
New Delhi.

The Station House Officer
Police Station
Greater Kailash
New Delhi.

... Respondents

(By Shri Girish Kathpalia, Advocate)

O R D E R (Oral)

Honble Shri Justice S.C.Mathur, Chairman

The case has been taken up in revision of the list of regular cases. No one has appeared on behalf of the applicant. On behalf of the respondents appearance has been put in by Shri Girish Kathpalia. We proceed to decide the case on merit with the assistance of the respondent's counsel.

2. The applicant, Shri Satish Kumar who was Constable in Delhi Police has directed this application against the imposition of the punishment of forfeiture of three years approved service in disciplinary proceeding.

3. In the above proceeding the applicant was charged with realizing illegal gratification from Water Melon Vendors who were allowed to keep Water Melons on public foot path in the area of P.S.Greater Kailash.

4. The applicant denied the charge whereupon fulfledged enquiry was held in which the department examined 5 Water Melon Vendors. They all supported the charge. Relying upon the testimony of these witnesses, the Enquiry Officer reported that the charge had been established against the applicant. A copy of the enquiry report was served upon the applicant as is apparent from paragraph 3 of the punishment order. The applicant was required to show cause against the proposed punishment of dismissal. The disciplinary authority instead of imposing the punishment of dismissal from service imposed the punishment referred to here-in-above by order dated 20.7.1989.

5. The applicant challenged the above punishment before the appellate authority, which did not find any reason to interfere therewith.

6. A perusal of the application shows that the main ground of attack against the impugned order is that the finding of guilt is based on the testimony of the complainant which is impermissible. There is no inflexible rule against recording finding of guilt on the testimony of complainant alone. If the complainant is dependable and has no reason to

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make a false report and then a false deposition, finding of guilt can be recorded on his sole testimony. Corroboration by independent evidence is only a rule of prudence. The ground of challenge is unsustainable.

7. In view of the above, the application is hereby dismissed. No costs.

J.J. Thiru
(P.T. THIRUVENGADAM)

MEMBER(A)

S.C. Mathur
(S.C. MATHUR)

CHAIRMAN

/RAO/