

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI



O.A.NO.321/2004

this the 6th day of February, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S. A. Singh, Member (A)

Subhash Chand,
Constable No.1944,
House NO.8, Gali No.16,
Saraojini Park,
Shastri Park, Delhi-31.

...Applicant.

(By advocate: Shri P. Sureshan)
vs

1. The Commissioner of Police,
Police Headquarters, Near ITO
New Delhi.

2. The Joint Commissioner of Police,
Armed Police, New Delhi.

3. The Dy. Commissioner of Police,
II Bn, DAP, Delhi.

... Respondents.

ORDER (ORAL)

Shri Justice V.S. Aggarwal:

The applicant is a Constable. He was proceeded departmentally on the allegations that while posted in 2nd Battalion Delhi Armed Police, he was detailed to escort the cash from Reserve Bank of India, New Delhi to Reserve Bank of India, Bangalore by train. The train departed on 12.5.2001. While the team was coming back to Delhi after handing over the cash, applicant started consuming liquor, Sub. Inspector Hari Prasad asked him not to do so. He misbehaved and abused to the Incharge of the 2nd Battalion, Delhi Armed Police. ^{The} An officer had reported against the applicant and the disciplinary authority had imposed the following penalty:

"I on meticulous and careful consideration

ls Ag

find that the charge proved against the delinquent officer. Though consumption of liquor is not corroborated by medical examination but statement of PWs establish major part of allegations. Moreover, misbehaviour with the senior officers is one of the severest forms of indisciplined which can not be tolerated in the disciplined force like Delhi Police. I R.L.Meena Dy. Commissioner of Police, II-Bn DAP, Delhi, therefore, award the punishment of three years approved service permanently to const. Subhash No.1944/DAP entailing reduction his pay from Rs.3500/- to Rs.3275/- to meet an end of justice. His suspension period from 18.5.2001 to 6.8.2002 is decided as not spent on duty and the same will not be regularised in any manner."

2. He preferred an appeal to the Joint Commissioner of Police, who reduced the penalty of forfeiture of three years approved service permanently to that of forfeiture of one year approved service permanently.

3. Learned counsel for the applicant contends that this is a case of no evidence and otherwise also the applicant has not derelicted his duties. Despite that, there is no fault on his part. At the outset, it must be stated that this Tribunal cannot interfere with the findings of the inquiry officer or competent authority ~~unless~~ where they are ~~not~~ arbitrary or utterly perverse.

4. Perusal of the report of the enquiry officer clearly shows that the charge against the applicant stood proved on the basis of the evidence of the witnesses. It cannot be stated that this is case of no evidence. Taking stock of the totality of the facts we find there is no good ground to interfere. The application must fail and is dismissed in limine.

S.A. Singh
(S.A. Singh)
Member (A)

V.S. Aggarwal
(V.S. Aggarwal)
Chairman