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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

REGN.NO.O.A. 19/85.

DATE OF DECISION: 2.11.1992.

SI Ubraj Singh.

..Petitioner.

Versus

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

..Respondent.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.  
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.                      None.

For the Respondent.                      SI Sarup Singh, Parvi Officer,  
Departmental official.

JUDGEMENT(ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)


The petitioner was subjected to a disciplinary enquiry. The Inquiry Officer appointed for the purpose held an inquiry and submitted its report holding that the charge levelled against the petitioner is not established. The disciplinary authority, i.e. Addl. Dy. Commissioner of Police, South District, New Delhi, however, disagreed with the inquiry officer's report, tentatively held that the charge levelled against the petitioner is proved and required the petitioner to show cause as to why a penalty of forfeiture of 5 years service should not be imposed. After considering the cause shown and giving a personal hearing to the petitioner, the disciplinary authority made an order on 16.4.1982 imposing the penalty of forfeiture of two years' approved service temporarily for a period of one year entailing reduction in his pay from Rs.530/- to Rs.500/- per month from the date of issue of that order. The said decision

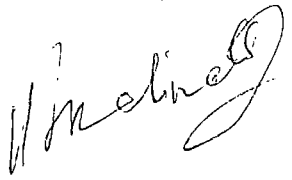
was challenged by the petitioner by way of appeal. The appellate authority after giving an opportunity of hearing to the petitioner passed a detailed order on 18.12.1982 dismissing the petitioner's appeal. The said order was further challenged by way of revision whereupon the said petition was considered and the Director General and Commissioner of Police after examining the petitioner's case dismissed the revision petition after giving him a personal hearing. It is in this background that the petitioner has approached before the Tribunal for relief.

2. When the case was taken up, neither the petitioner nor his counsel was present. No counsel was present for the respondents. As this is a very old matter, we thought it proper to look into the record and dispose of the case on merits.

3. It is not possible to agree with the contention of the petitioner that the disciplinary authority could not have disagreed with the findings of the Inquiry Officer. An opportunity was given by the disciplinary authority and the petitioner was also heard. All his contentions were properly considered. The disciplinary authority noticed that the principal request made before it was seeking sympathetic consideration rather than establishing his innocence. Be that as it may, the disciplinary authority has examined all the contentions of the petitioner and held that he is guilty. The appellate authority has discharged its function very satisfactorily and disposed of the appeal after considering all the contentions made by the petitioner before it. Revision petition was also dismissed. All the grounds bear on appreciation of evidence. He cannot call upon the Tribunal to function as appellate authority and ask us to substitute our findings. As the findings are based on evidence on record and as reasonable opportunity was given to the petitioner and proper and satisfactory inquiry was held and as

the findings are supported by the evidence, we would not be justified in interfering. The punishment cannot, therefore, be regarded as unreasonable. Hence, the petition fails and is dismissed. No costs.

  
(I.K. RASGOTRA)  
MEMBER(A)



(V.S. MALIMATH)  
CHAIRMAN

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