

Central Administrative Tribunal
Principal Bench: New Delhi

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OA 2018/92

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New Delhi, this the 26th day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K.Muthukumar, Member (A)

Const. Phool Singh No. 1491/SD
s/o Sh. Ram Narain,
R/o Barracks of P.S. Kalkaji,
New Delhi.

...Petitioner

(By Advocate: None)

Versus

1. The Commissioner of Police,
Police Headquarters, MSO Building,
I.P.Estate, New Delhi.
2. The Additional Commissioner of Police,
southern Range, Police Headquarters,
MSO Building, I.P.Estate, New Delhi.
3. The Deputy Commissioner of Police,
South District, Hauz Khas,
New Delhi. Respondents

(By Advocate: Shri Rajinder Pandita)

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner in this case was issued a chargesheet after he was placed under suspension. A regular departmental inquiry was held and the inquiry report was submitted on 1.1.1991 holding the petitioner guilty of the charge. The petitioner was accused of having acted negligently by remaining silent and being a Head Constable not reporting the incident of rape that was committed by one Constable Sh. Nadish Kumar working under him. The said Constable Nadish Kumar had been subsequently shown to have been dismissed from service. On the basis of the findings of the inquiry officer, the petitioner was given the punishment of dismissal. The Deputy Commissioner

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of Police by an order dated 26.3.1991 stated that in view of his 34 years of service and no other punishment in his account till then, he proceeded to award punishment of removal which entitled him further appointment in Govt. service, instead of punishment of dismissal. In appeal, the said order was further reduced to reduction in rank thereby the appellate/revisional authority retained him in service by reducing the rank of the petitioner from Head Constable to Constable. (b)

Aggrieved by the said orders of the disciplinary authority and the appellate/revisional authority, petitioner has filed this OA challenging the said orders inter-alia on various grounds stated at page 5 to 11 of the paper book. The matter has been shown in the regular list and none appears on behalf of the petitioner and since this matter pertains to the year 1992 and in view of the fact that the petitioner has already superannuated, we decided to peruse this petition ourselves and heard the counsel appearing on behalf of the respondents who is present today.

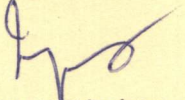
After going through the entire record, we find that none of the grounds raised in this OA calls for interference by this court to alter any of the orders namely the punishment order, the appellate /revisional order. The only ground that may be appealing to us could be the ground of no evidence and we would have interfered with the impugned order in case the proceedings have been found to be one with no evidence. Apart from all that from what has been stated by the Enquiry Officer we noticed that

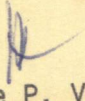
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the victim herself had appeared and give evidence and in view of the fact that there is substantial evidence forthcoming, the ground of no evidence cannot survive. (A)

In view of this, this OA is dismissed with no order as to costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

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