

8

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

NEW DELHI.

...

Registration O.A. No. 2178 of 1992

Malook Singh                      ...                      ...                      ...                      Applicant.

Versus

Commissioner of Police Delhi  
and others                      ...                      ...                      ...                      Respondents.

---

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Ms. Usha Savara, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant, who was a Constable has approached this Tribunal against his dismissal order. He was charge-sheeted being absent 66/148 days. An enquiry proceeded, The applicant admitted his guilt before the enquiry officer. The disciplinary authority took the view that the charges against the applicant have been proved and the applicant, in the past, was also a habitual absentee and once he was removed from service on this very ground in the year 1987 but in review, the punishment was reduced, and he was taken back in service with certain reductions but it was not a fit case in which now he should be retained in service and that is why, he has been dismissed from service. The applicant filed an appeal before the departmental appellate authority taking 5 pleas. One of the pleas taken by the applicant was that he was suffering with mental disorder and due to which he has remained absent, and he was also not in a position to <sup>under</sup>stand right or wrong. But, this plea was outright rejected by the appellate authority on the ground that it was an after thought. The other pleas of the applicant were for giving him an opportunity of hearing and for defence assistance, the appellate authority stated that when the applicant has already admitted his guilt and

- 2 -

did not allow the enquiry to proceed therefore, this was also not a ground for intervention. About ~~his~~ past conduct, the disciplinary authority ~~could~~ have taken into account and pointed out that in the past also he suffered from the same ailment. Thus, it cannot be said that any factual or legal error has been committed by the disciplinary authority or the appellate authority.

2. Accordingly, the application is hereby dismissed. However, it is for the Delhi Police to take his services elsewhere by re-employing him but no observation in this behalf can be made as has been desired by the learned counsel for the applicant. No other as to the costs.

*B. Lawal.*  
Member(A)

*U*  
Vice-Chairman

Dated: 22.12.1992  
(n.u.)