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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.2519/92

Date of Decision:24.3.93

Shri Arjun Singh Applicant

Vs.

Commr. of Police Respondents

Shri Shankar Raju Counsel for the applicant

Shri Amrish Mathur Counsel for the respdts.

JUDGEMENT(Oral)

(Delivered by Hon.Member Shri C.J.Roy, Member(Jd1))

Heard the learned counsel for both parties. The case of the applicant is that the applicant is working as Assistant Sub Inspector. It is claimed that in the applicant's ACR adverse remark has been passed that on 20.1.91 at 1.30 pm. some foul smell has been detected from the mouth of ASI for which he has been medically examined and report has been awaited. This is the remark which is questioned by the applicant as not borne out of the facts. Hence he filed the application for expunging the remarks.

The learned counsel for the respondents submits that doctor's report is still awaited. He has not produced any record. The learned counsel for the applicant

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categorically makes a statement across the bar that the doctors report is negative. Therefore, the question of alcoholic breadth coming from the mouth of the applicant cannot be sustained and the remark should be expunged. It is no doubt true that unless the doctors certificate speaks of positive breath, one cannot infer taking alcohol. The respondents counsel agrees though reluctantly that if the doctors certificate is negative then the adverse remark should not remain on record.

In view of this nature of the case, I am not prepared to keep the case on file and would like to dispose the case by way of direction to the respondents. The respondents are hereby directed to act in accordance with the doctor's report and if it is found negative then proper steps be taken to safeguard the interests of the applicant. This exercise shall be completed within one month from the date of communication of this order.

The case is disposed of with no order as to costs.

(C.J. ROY)

MEMBER(J)

24.3.93.