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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

OA-1849/93

DATE OF DECISION

8-9-93

Sh. Har. Surinder Pal Singh

Petitioner

Sh. R.L. Sethi

Advocate for the Petitioner(s)

U.O.I. & Ors through the Addl.
Commissioner of Police

Respondent

None

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. I.K. Rasgotra, Member(A)

The Hon'ble Mr. B.S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)

(delivered by Sh. I.K. Rasgotra, Member(A))

Heard, Sh. R.L. Sethi, counsel for the petitioner on admission. The petitioner was charged for connivance with elements who were arranging gambling on video machine in his area. A Show Cause Notice was given to him on 1.10.91. The petitioner gave his explanation and the penalty of 'censure' was imposed on him by the Disciplinary Authority vide order dated 16.12.1991. The petitioner submitted an appeal to the Additional Commissioner of Police, which was rejected by the Appellate Authority vide their order dated 11.5.1993.

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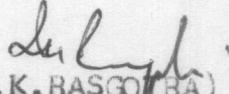
2. The Learned counsel for the petitioner submitted that the petitioner has been punished without holding any preliminary inquiry which is mandatory in accordance with Rule 15 of Delhi Police(Punishment and Appeal) Rules,80. Since this requirement, under the rules has not been met and the respondents cannot impose punishment on the petitioner. The next point urged is that since the charge against the petitioner is said to be of serious nature he should have been served with a memo of major penalty. Lastly it was urged that there was no material on record to implicating the petitioner warranting major or minor penalty proceedings against him.

3. We have considered the submissions made by the learned counsel for the petitioner and gone through the record. This is a case where minor penalty has been imposed on the petitioner after serving a show cause notice to him. The said show cause notice has been served in accordance with Rule 16(2) read with Rule 8(f) of Delhi Police(Punishment and Appeal) Rules,80. The procedure prescribed in Rule 15 regulates cases of major penalty proceedings as is obvious from Rule 16(2). It is for the respondents to have taken a view whether the petitioner should be proceeded for imposition of major or minor penalty.

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They took the decision to proceed against him for imposition of minor penalty. It is not open to us to undertake judicial review of the Administrative decision takeb by them. Since the penalty has been imposed on the petitioner after following due procedure of Law as laid down in the statutory provision under Delhi Police (Punishment and Appeal) Rules, 1980, there is no reason for us to interfere in the matter. According the OA is disposed of at the admission stage being devoid of merit.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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