

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 793 of 1993

(8)

New Delhi, this the 9th day of March, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN(J)
HON'BLE SHRI N. SAHU, MEMBER(A)

Shri Vir Singh (Alias Beer Singh), S/o
late Shri Lila Singh, R/o F-66, Lado
Sarai, New Delhi-30

-APPLICANT

(By Advocate: None)

Versus

1. The Commissioner of Police, Delhi
Police, Police Hqrs, M.S.O. Building,
New Delhi-110002
2. The Dy. Commissioner of Police (East)
Police Lines, Shalimar Park, Delhi.
3. Union of India, Ministry of Home
Affairs, Government of India, New Delhi
(through its Secretary)

-RESPONDENTS

(By Advocate: Shri Girish Kathpalia)

ORDER (ORAL)

By Reddy, J.:-

None appears for the applicant. Heard the learned counsel for the respondents.

2. The applicant is Assistant Sub-Inspector in Delhi Police. On the ground of serious misconduct an enquiry was held and considering the enquiry officer's report the disciplinary authority imposed the punishment of forfeiture of one year's approved service for a period of one year. Aggrieved by the above order dated 13.12.1991 the applicant carried the same in appeal, but the appellate authority confirmed the order of the disciplinary authority. The applicant challenges the order of the appellate authority in this OA.

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3. Several grounds have been urged by the applicant to invalidate the impugned order. Firstly it was urged that the impugned order is not a speaking order. The misconduct attributed to the delinquent was conducting a raid at the residence of one Shri Shyam Mishra and bringing him to the Police Station while beating with the lathi. We have gone through the impugned order and also the order passed by the disciplinary authority. The disciplinary authority having considered the evidence on record came to the conclusion that the applicant was guilty of the misconduct attributed to him. It was also found that the applicant has taken this action vindictively as the complainant was a witness in a vigilance enquiry against the applicant. The appellate authority heard the applicant in person. The only plea that was stated to be taken by the applicant was that he never raided the residence of the complainant, but was only a member of the raiding party. The appellate authority having considered the record of enquiry found that the complainant was beaten in the Police Station. It has given cogent reasons while confirming the order of the disciplinary authority. This contention, therefore, fails.

4. The next ground that is urged is about the appreciation and sufficiency of the evidence. It should be noted that this Tribunal while dealing with the validity of disciplinary proceedings will not act as an appellate authority. It will only see whether the order was passed without jurisdiction or whether principles of natural justice have been complied with or not, or

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whether the punishment is so disproportionate to the misconduct alleged and proved as to shock the conscience of the Court. We are satisfied that there is no such violation. We are also satisfied that the punishment awarded is commensurate with the misconduct. The sufficiency or otherwise of the evidence or reappreciation of the same will not normally be a ground for interference.

5. In the circumstances we are constrained to dismiss this application. The OA is accordingly dismissed.

N. Sahu
(N. SAHU)
MEMBER(A)

V. Rajagopala Reddy
(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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