

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 952/1993

New Delhi this the 15th day of March, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Ex. Constable Jamman Nath,
No. 731/Sec. 629/Sec.
R/O Q.No.S-4/3, Police Colony,
Andrews Ganj, New Delhi.

(By Advocate Sh. Surat Singh)

..Applicant

Versus

1. Lt. Governor, Delhi Administration, Delhi.
2. The Commissioner of Police (Security and Traffic), Delhi.
3. Addl. Commissioner of Police (Security and Traffic), Delhi.
4. Dy. Commissioner of Police, Security, Delhi.

..Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A)

Applicant impugns the dismissal order dated 10.1.91, Appellate Authority's order dated 1.4.91, the revision order dated 18.7.91 and the order dated 6.12.1991 addressed to the Lt. Governor rejecting his representation.

2. The applicant was proceeded departmentally on the ground that while posted in the security unit he was arrested and involved in as many as 8 criminal cases involving theft and receipt of stolen goods etc.

3. Dismissal order dated 10.1.91 makes it clear that 8 criminal cases ^{were} instituted against the applicant, in which he also remained in judicial custody ^{and} he was convicted one of them i.e. FIR No. 326/82 u/s 457/380/411 IPC P.S. R.K. Puram, New Delhi. Applicant file an appeal against this judgement in the Session Court on 25.7.1985. Although the disciplinary authority's

order dated 10.1.91 records that the said appeal still remained undecided, we are informed that the aforesaid appeal has since been dismissed and applicant conviction stands. However, Shri Surat Singh states that a revision petition against the appellate order is still pending in the Delhi High Court. (9)

4. The main ground taken by Shri Surat Singh is that applicant was released on probation under Section 360 CRPC. Shri Singh has invoked Rule 12 Delhi Police (Punishment and Appeal) Rules, 1980 and argues that applicant is now entitled to re-instatement. We are unable to agree with this argument, because even if the applicant has been released on probation, the order of conviction in the criminal case against him still stands and has not set aside, notwithstanding the pendency of the revision petition. That being so Rule 12 of the Delhi Police (P&A) Rules, 1980 is not applicable.

5. No defect or infirmity has been pointed out in conducting of the departmental enquiry to warrant judicial interference in this OA and in the facts and circumstances of the case, we have no reason to disagree with the impugned orders that the applicant having been convicted of theft and receiving stolen property has rendered him wholly unfit for retention in Delhi police.

6. In the result, the OA is dismissed. MA 1234/93 for condonation of delay is also dismissed, as no good grounds have been advanced to condone the same. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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