

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-77/2017 in OA-491/2014
with
RA-78/2017 in OA-486/2014**

New Delhi this the 21st day of March, 2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)

RA-77/2017 in OA-491/2014 & RA-78/2017 in OA-486/2014

Sh. Atud Sood, 51 years
Designation : Inspector, Delhi Police
No.D/3013(now D-1/476), PIS No. 16900058
S/o Sh. Sansar Chand Sood,
R/o 251-E, MIG Flats,
Rajouri Garden,
New Delhi-110027.

Presently posted at:
Incharge, Central Jail Tihar,
3rd Bn. DAP, Delhi Police. Review Applicant in
both RAs.

Versus

1. Delhi Police through
Commissioner of Police,
Police Headquarter,
I.P. Estate, New Delhi.
2. Govt. of NCT of Delhi through
Chief Secretary,
Players Building,
I.P. Estate, New Delhi. Respondents in both RAs.

ORDER (By Circulation)

Both these RAs are similar and are directed against our
common order dated 07.02.2017 by which OA486/2014 & OA-
491/2014 were dismissed.

2. I have considered the grounds taken by the review applicant.

2.1 The first ground is that this Tribunal has not taken note of the fact that the investigation of case FIR No.11/12 dated 11.01.2012 u/s 380/454 IPC, P.S. Sarojini Nagar had been transferred to South District Crime Brach, Delhi vide order dated 08.10.2012. In my opinion, this fact is irrelevant and would not make any difference to the outcome of the case because all the lapses for which the applicant has been censured were committed during the period when the investigation of the case remained with PS Sarojini Nagar. Thus, starting from 11.01.2012 and upto the date of transfer i.e. 08.10.2012, the investigation of the aforesaid case was with PS Sarojini Nagar for which the applicant was responsible.

2.2 Next, the review applicant has submitted that the Tribunal has not considered the legal position that by virtue of Section 157 of Cr.P.C. the applicant was entitled to transfer the case to his subordinate. I find this assertion to be factually incorrect. This is because this issue has been dealt with by me in para-8 of the judgment. Therein, it has been observed that the applicant was right in saying that he was empowered under Section 157 of Cr.P.C. to transfer the investigation of the case to SI Babu Lal, however, he should have done so after taking permission from his seniors.

2.3 Again, the review applicant has contended that this Tribunal has not considered the ground taken by him that since the complainant was wife of a senior officer, undue importance was being attached to her case by the respondents. This assertion is also factually incorrect. I have observed in the judgment that even if the complainant was wife of a senior officer and respondents had been attaching undue importance to her case, yet the lapses committed by the applicant cannot be over looked.

2.4 Next, the review applicant has submitted that no reasons have been assigned for serving the same averments/imputations on him twice. This issue has also been dealt with by me in para-7 of the judgment. Therein, it has been held that once censure entry was awarded to him for disobeying the orders of the seniors and transferring the investigation of the case to a subordinate officer and the other censure entry pertained to carelessness displayed by him in investigation. Thus, it has been held that the two lapses were different and, therefore, the respondents were right in serving two separate show cause notices to him.

3. No other ground has been pressed in the review applications.

4. In view of the aforesaid, these RAs lack merit and are dismissed in circulation.

(Shekhar Agarwal)
Member (A)

/Vinita/