

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 127/2014

This the 3rd day of October, 2016

Hon'ble Mr.P. K. Basu, Member (A)

Inspr.Mahender Singh Poonia No. D-I/794
(PIS) No. 16810050, S/o. Sh. Amir Singh,
R/o. Qtr No. 204, Police Colony, HauzKhas
New Delhi-16.

.....Applicant

(By Advocate :Mr. U. Srivastava)

Versus

Govt of NCT of Delhi, through

1. The Chief Secretary,
Govt. of N.C.T. of Delhi, Delhi Secretariat
New Delhi.
2. The Commissioner of Police
Police Head Quarters, MSO Building,
New Delhi-02.
3. The Joint Commissioner of Police
Southern Range, New Delhi.
4. The Addl. Dy. Commissioner of Police,
South East District, New Delhi.

....Respondents

(By Advocate :Ms.SangeetaTomar)

ORDER (O R A L)

Heard learned counsel for the parties.

2. The applicant who is Inspector Delhi Police was issued a show
causenotice dated 03.03.2010, is follows:

"Show Cause Notice

On 30.07.2009 while deciding the Criminal Complaint titled as
Yaad Mohan @ Sunni Vs. Giri Raj and ors. the Hon'ble Court of
Sh. MunishMarkan, MM/SED has passed orders to register FIR
under the relevant provisions of law and furnish the status
report on 09.11.2009. Instead of complying with the orders of

Hon'ble Court meticulously Inspr.Mahender Singh, No. D-I/794, SHO/Ambedkar Nagar, kept the papers pending with him unnecessarily. FIR No. 40/2010 u/s 341/324/34 IPC PS Ambedkar Nagar was registered on 03.02.2010 i.e. after a delay of more than 6 months.

The above act on the part of Inspr.Mahender Singh, No. D-I/794, SHO/Ambedkar Nagar clearly shows his gross negligence, slackness and casual attitude which amounts grave misconduct on his part and renders him liable for departmental action under the provisions of Delhi Police (Punishment & Appeal) Rules, 1980."

2. The Disciplinary authority passed the punishment order imposing the penalty of "Censure" vide order dated 06.5.2010 after considering the reply and hearing the applicant. The Joint Commissioner, who is the Appellate Authority, upheld the order of punishment "Censure" and rejected the appeal of the applicant vide order dated 23.06.2010.

3. Learned counsel for the applicant states that when the applicant appeared before the appellate authority during OR, the order dated 18.03.2010 passed by the learned Metropolitan Magistrate was produced by him, which is follows:

"Present : Proxy counsel for complainant.
Inspector M.S .Punia SHO PS: Ambedkar Nagar
isPresent.

IO SI Munish Kumar in person.

Today I am also working as Link MM.

Status report is filed. SHO submits that case was marked to SI H. P. Gulia who has been suspended. He is warned to be careful in future and is directed to comply the direction of the court forthwith. Report reflects that in the present case FIR No. 36/10 dated 01.02.2010 PS :Ambedkar Nagar has been registered.

Report of IP SI Munish Kumar reflects that complainant is not cooperating in the investigation. Complainant is directed to cooperate in the investigation. Progress report be filed by 15.07.2010."

4. The contention of the applicant is that the above order clearly shows that the learned Metropolitan Magistrate had accepted the explanation of the applicant and had not directed any further action to be taken. In view of this, the respondents should not have passed ` Censure ` order.

5. Learned counsel for the respondents states that it is a case in which the learned Metropolitan Magistrate had passed an order on 30.07. 2009 to register FIR under the relevant provisions of law and furnish status report dated 09.11.2009. The FIR No.40/2010 under section 341/324/34 IPC PS Ambedkar Nagar was registered only on 03.2.2010 i.e. almost after a delay of six months. Learned counsel further relied upon the judgment of Hon'ble Supreme Court in its order dated 14.07.2008 in Writ Petition (Crl.) No.68 of 2008 in the case of **Lalita Kumari Vs. Govt. of UP & Ors.** in which the Hon'ble Supreme Court has observed that once order u/s 156 (3) Cr.P.C. is passed by the Court, the FIR shall be registered within 24 hours without fail. It is the contention of the respondents that despite specific direction of learned MM, the FIR was registered on 09.11.2010 after a delay of almost 6 months. Learned counsel further argued that the Commissioner of Police has to maintain discipline in the police force and, therefore, such serious delay of registration of FIR cannot be pardoned. Moreover, the acceptance of learned MM of the status report as indicated in the order dated 18.3.2010 does not prohibit the department from taking disciplinary proceeding against the applicant.

The factual position is that the FIR has been lodged after six months which is a very serious lapse.

6. In view of the above circumstances, I am of the view that there is no cause to interfere in the action taken by the respondents. OA is accordingly dismissed. No costs.

(P.K. Basu)

Member (A)

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