

Central Administrative Tribunal  
Principal Bench

**OA No.1188/2015**

Reserved on: 06.03.2017  
Pronounced on: 20.03.2017

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Inspector Kusum Pal Malik, No.D/2950  
Special Staff Outer District  
S/o Sh. Harbir Singh,  
R/o B-182, Chattarpur Enclave Phase-II,  
New Delhi.

...Applicant

(By Advocate: Ms. Jasvinder Kaur)

Versus

1. Govt. of NCT of Delhi through  
Commissioner, Delhi Police,  
MSO Building, IP Estate,  
New Delhi.
2. Joint Commissioner of Police,  
South Eastern Range  
PHQ, I Estate,  
New Delhi.
3. Deputy Commissioner of Police,  
South District, Hauz Khas.

...Respondents

(By Advocate: Ms. Rashmi Chopra)

**ORDER**

By way of the instant Original Application filed  
under Section 19 of the Administrative Tribunals Act,  
1985, the applicant has prayed for the following  
relief(s):-

- “8.1 Quash and set aside impugned orders dated  
09.08.2013 and 08.05.2014;
- 8.2 Respondents be directed to pay the costs of the  
case of the applicants;
- 8.3 May pass such other further orders/directions  
deem dfit and proper in the facts of the case in

*favour of the applicant and against the respondents”.*

2. The brief factual matrix of the case, as stated by the applicant, is that on 22.05.2013 respondent no.3 conducted a casual/sudden inspection of Police Station, Vasant Kunj/North and allegedly noticed certain shortcomings pertaining to maintenance of History Sheets in Bundle A and FIR cases/Aapka Update. In regard to the above shortcomings, the respondent no.3 issued Show Cause Notice [hereinafter referred to as SCN] dated 17.06.2013 to the applicant, who submitted his reply to the aforesaid SCN within the stipulated time period. After going through the reply/explanation preferred by the applicant, the respondent no.3, vide order dated 09.08.2013, awarded punishment of censure to the applicant. The applicant preferred an appeal against the order of censure before the appellate authority. The appellate authority rejected the appeal of the applicant vide order dated 08.05.2014 and confirmed the order of censure imposed upon the applicant.

3. Learned counsel for the applicant states that the applicant is a diligent police officer, who is discharging his duties honestly and earnestly and no adverse remarks were even received by him. She further submits that only in the

year 2013, the applicant received a SCN, which ultimately turned to imposition of censure upon him. Counsel for the applicant also states that in the SCN, it is stated that out of 21 history sheets in Bundle A, 17 history sheets were perused and against these 17 history sheets, the shortcomings were noticed and served upon the applicant. Learned counsel also states that in the SCN, it is mentioned that no appropriate or worthwhile efforts have been done by the applicant in regard to absence of Bad Character (hereinafter referred to as 'BC') Ram Chander. She also states that the comments about the Aapka Update in the SCN are also vague as no categorical or specific allegations have been made by the respondent no.3. Counsel for the applicant further states that the applicant replied to the aforesaid SCN by categorically dealing with each and every case/comment mentioned therein. It is the contention of the counsel for the applicant that the disciplinary authority, without taking into consideration the explanation given by the applicant in reply to the SCN and without applying judicial mind in a stricter sense, awarded the impugned punishment of censure upon the applicant. She states that in the reply given by the applicant to the SCN, it has been clearly stated that the applicant is posted in Vasant Kunj Thana only for one year

and the absence of BC is of more than nine years. The applicant has also stated that out of 150 cases, 70 cases are updated. Meaning thereby the remaining cases were either untraced, cancelled, challaned and once the information about untraced, cancelled and challned cases is given to the complainant, thereafter it is not needed to call him again. It is also stated that even the appellate authority has not applied its mind and instead almost in a similar manner upheld the order of the disciplinary authority. Counsel for the applicant submits that in the SCN, it has been stated that the criminals are roaming free but their names have not been mentioned, who are stated to be roaming free. Hence, she vehemently argued that this is a very vague allegation made against the applicant.

4. Counsel for the applicant would contend that there are delegations of powers and it is not the SHO to do everything in a police station. There are duties divided amongst the officers and the applicant, being the SHO, is only a supervisory authority. Counsel would further submit that in the SCN, it is mentioned that there are shortcomings but mere stating about the shortcomings is not enough. The respondent-authorities should have mentioned in a categorical manner that what are the shortcomings in regard to performance of duties by the

applicant. She also states that the 'history sheets' is only a bundle of papers in regard to alleged criminals. It is nowhere stated that it has to be paginated only whenever information is received, it is attached in the file. Counsel for the applicant further submits that each and every case file has a shelf life and after sometime the files are also weeded out or destroyed. She also states that the disciplinary authority has not taken into consideration the defence/reply of the applicant to the SCN, but only by one lined decision has stated that it is not found satisfactory without assigning any reason as to why and how it is not found satisfactory.

5. Per contra, learned counsel for the respondents vehemently argues that it was the duty of the applicant to supervise the works of his subordinates in the police station where he was posted and in this regard she stated that time to time some schemes and instructions are circulated by the higher authorities to all the police stations and being the SHO, the applicant has to follow those guidelines while performing his official duty. Counsel for the respondents states that it is found that the history sheet Bundle-A is not maintained properly. It was also found that Aapka Update Register is not updated. Counsel for the respondents opposed the contention raised by the

learned counsel for the applicant in respect of BC Ram Chander, as stated by the applicant in his reply that previous SHO has also made efforts to trace the BC Ram Chander, but it is not spelt out by the applicant that what were the efforts taken by him to trace out the said BC Ram Chander. Counsel for the respondents also states that the applicant cannot keep himself free by only stating that he is only a supervisory authority and he cannot supervise each and every duty assigned to other authorities, as he has also to depend on subordinate officers. She also points out that the applicant admitted his mistake during O.R., hence, the punishment awarded to him is perfectly in consonance with his misconduct/lackadaisical approach.

6. Heard rival contentions of the parties, perused the documents on record. It is seen that the applicant has given a very elaborate and categorical reply against each allegations in regard to the SCN which runs into several pages. But, the disciplinary authority while passing the order of censure has not passed a detailed, reasoned and speaking order and the appellate authority also almost in the same very tune and mechanically confirmed the punishment of censure.

7. Taking into consideration that the impugned orders i.e. the disciplinary authority order dated 09.08.2013<sup>4</sup> and the appellate authority order dated 08.05.2014 are not speaking orders, the same are, therefore, quashed and set aside. However, the respondent/disciplinary authority is at liberty to pass fresh orders by recording reasons after categorically considering the contentions of the applicant as raised by her in the reply to the SCN.

8. With the above directions, the instant OA stands disposed of. No costs.

**(Jasmine Ahmed)**  
Member (J)

/AhujA/