

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3455/2014

Friday, this the 15th day of September 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)

HC Hemender Pal, age 52 years
HC (Executive)
No.1198/SB, PIS No.28822927
Office of DCP Special Branch
Police Bhawan, Turkman Gate
Asaf Ali Road, New Delhi

...Applicant

(Mr. Nasir Ahmed, Advocate)

Versus

1. Govt. of NCT of Delhi
Through Commissioner of Delhi Police
Police Head Quarter, MSO Building
ITO, New Delhi
2. The Joint Commissioner of Police
Special Branch Delhi
Through Commissioner of Delhi Police
Police Head Quarter, MSO Building
ITO, New Delhi
3. The DCP Security
Vinay Marg, New Delhi
Through Commissioner of Delhi Police
Police Head Quarter, MSO Building
ITO, New Delhi

...Respondents

(Mr. Ramesh Shukla for Mrs. Avnish Ahlawat, Advocate)

O R D E R (ORAL)

Justice Permod Kohli :-

The applicant, while working as Head Constable in Delhi Police, was served with a charge memo with the following charge:-

“Charge

I, Kapoor Singh, Asstt. Commissioner of Police, Special Branch, Delhi charge you HC Hamender Pal, No.4097/Sec., 490/W (now 1198/SB) (PIS No.28822927) that while you were posted in Account Branch of Security Unit as dealing hand-III of lower subordinates had prepared the bills of 40% arrears of 6th pay commission in favour of Constable Joginder, No.7070/Sec., HC Balram No.3578/Sec., HC Mathuram No.7102/Sec., Ct. Ajay Kumar, No.4631/Sec., HC Hamender Pal, No.4097/Sec. (yourself) and HC Kanwarpal, No.4356/Sec.. You HC Hamender Pal, No.1198/SB had prepared the double arrears of bills intentionally to gain bills twice. This can not be a by-change mistake as you, yourself were the one of the beneficiary of double arrears.

The above act on the part of you HC Hamender pal, No.1198/SB amounts to grave misconduct, irresponsibility and act of an unbecoming of a police officer which renders you liable for punishment under the provision of Delhi Police (Punishment & Appeal) Rules 1980.”

2. A regular inquiry was held by the inquiry officer and the charges were proved. Thereafter, on the findings of the inquiry officer, the disciplinary authority passed the order dated 11.04.2014 (Annexure A-2) imposing penalty of forfeiture of two years’ approved service permanently for purpose of his further promotion or seniority. Aggrieved by the said order, the applicant preferred an appeal before the Joint Commissioner of Police (Special Branch), New Delhi. The said appeal has been dismissed vide another impugned order dated 19.06.2014 (Annexure A-1).

The applicant has filed this O.A. challenging the aforesaid orders passed by the disciplinary as well as appellate authorities.

3. The only ground, which has been urged during the course of the arguments, is that the similarly situated persons, who were also deployed along with the applicant, have been awarded lesser punishment or no punishment and in some cases only a warning was issued, whereas the

applicant has been awarded the aforesaid punishment. His further contention is that it was an inadvertent mistake and due to heavy workload.

4. The applicant refers to an information received by him under Right to Information Act, 2005 dated 22.08.2014 (Annexure A-15), which indicates that HC Shri Bhagwan No.3172/Sec was awarded the punishment of censure, W/HC (Min.) Poonam No.5004/Sec was awarded written warning and W/HC (Min.) Savita No.1007/DAP was awarded censure. Reference is also made to the similar orders in respect to other officials, who were awarded either censure or warning.

5. Learned counsel for applicant has vehemently argued that the nature of the duty was a team work and similarly situated persons have been awarded lesser punishments and thus there is violation of principles of equality insofar as the award of severe punishment to the applicant is concerned.

6. We have carefully perused the impugned orders passed by the disciplinary and appellate authorities. Both the orders are based upon the findings of the inquiry officer. There is no challenge to the inquiry report in the present O.A., nor has any infirmity in the findings of the inquiry officer been pointed out. It is settled principle of law that the Tribunal or the Courts while exercising power of judicial review can only examine the process of awarding the punishment and does not sit in appeal over the findings or the orders passed by the authorities. Since neither any violation of principles of natural justice or any legal infirmity has been pointed out in the impugned orders, this Tribunal cannot interfere in the impugned orders.

7. For the above reasons, we find no merit. O.A. is accordingly dismissed.

(Praveen Mahajn)
Member (A)

(Justice Permod Kohli)
Chairman

September 15, 2017
/sunil/