

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA NO.3765/2014  
MA NO.681/2016**

Order reserved on 24.08.2016  
Order pronounced on 30.08.2016

**HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)  
HON'BLE MR K.N. SHRIVASTAVA, MEMBER (A)**

Pratap Singh Meena,  
SI Group 'C', aged 36 years,  
S/o Sh. Sultan Ram,  
R/o VPO Birol,  
Distt. Jhunjhunu,  
Rajasthan-333304,  
D.No.1836/PIS No.16040063.

Also at  
Quarter No.115,  
A-3, Police Apartment,  
Paschim Vihar,  
New Delhi. ...Applicant

(By advocate: Sh. Manjit Singh Ahluwalia)

**VERSUS**

1. Shri B.S. Bassi,  
Commissioner of Police,  
Police Headquarters,  
I.P. Estate,  
New Delhi-110002.
2. Shri Vivek Gogia,  
Joint Commissioner of Police,  
South-Western Range,  
New Delhi.
3. Shri Eish Singhal,  
Asstt. Commissioner of Police,  
Sub-Division,  
Rajouri Garden,  
New Delhi. ...Respondents

(By advocate: Ms. Harvinder Oberoi)

**:ORDER:**

**DR BRAHM AVTAR AGRAWAL, MEMBER (J):**

**MA No.681/2016**

The MA filed on behalf of the applicant seeking permission to bring on record certain documents, is allowed.

**OA No.3765/2014**

The applicant, a Sub-Inspector in Delhi Police, was visited with the punishment of censure under the Delhi Police (Punishment and Appeal) Rules 1980, vide the respondent no.3's order dated 15.01.2013 (Annexure A-1), which was sustained in appeal, vide the respondent no.2's order dated 10.09.2013 (Annexure A-2). Through the instant OA, the applicant prays that the said orders be quashed.

2. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

3. The respondent no.3 had issued to the applicant two show cause notices dated 22.11.2012 (I SCN) and 12.12.2012 (II SCN) (Annexure A-7). The I SCN reads as under:

"I heard, the complainant Smt. Madhu Khurana w/o Sandeep Khurana r/o 14/24, Subash Nagar Delhi in the office of undersigned on a public hearing complaint. From inquiry, it is clear that you (SI Partap Singh No.D-1836) called the girl her Sakshi in the night at 08.05 pm on 1/11/2012, in PS Kirti Nagar for investigation of PCR call of stolen some articles from house. Later on, also the stolen articles have been recovered from the

roof of house of the complainant Rakhi Gautam. Your (SI Partap Singh No.D-1836) conduct was not satisfactory, as you must not have called the girl in the PS after Sunset. This act on the part of you amounts to carelessness and dereliction in discharging your official duties.

You are hereby, called upon to explain the reason for the above said reason of lapse. Your written reply, if any, should reach the office of undersigned within 15 days from the date of receipt of this SCN otherwise the case will be decided on merits."

[sic]

4. The afore-quoted I SCN was admittedly received by the applicant on 28.11.2012, not on 23.11.2012, as stated in the II SCN. The II SCN reads as under:

"A SCN was issued to you (SI Partap Singh No.D-1836), (PIS No.16040063) vide this office No.6986-87/ACP/RG dated 22/11/2012, on the allegation that the complainant Smt. Madhu Kumari w/o Sandeep Khurana r/o 14/24, Subash Nagar, Delhi in the office of undersigned, on a public hearing complaint. From inquiry, it is crystal clear that you (SI Partap Singh No.D-1836), called the girl her Sakshi in the night at 08.05 pm on 1/11/2012, in PS Kirti Nagar for investigation of a PCR call of Stolen some articles from house. Later on, also the stolen articles have been recovered from the roof of the complainant Rakhi Gautam. Your (SI Partap Singh No.D-1836) conduct was not satisfactory, as you must not have called the girl in the PS after sunset. You have received the copy of SCN on 23/11/2012 and not submit the reply within stipulated period. The above act on the part you amounts to gross miss-conduct, negligence, carelessness and dereliction in the discharging of your official duties, rendering you liable for disciplinary action under the provision of Delhi Police (Punishment and Appeal) Rules-1980.

You, (SI Partap Singh No.D-1836) (PIS No.16040063) is, therefore, called upon to show cause as to why your conduct should not be censured for the above mentioned lapse. Your written reply, if any, in this regard, should reach this office within 15 days from the date of receipt of this notice, failing which it will be presumed that you have nothing to say in your defense and ex-parte."

[sic]

5. The alleged incident of calling the girl Ms. Sakshi to Police Station after sunset is stated in both the SCNs to be of 01.11.2012 and the order of punishment (Annexure A-1) also

mentions 01.11.2012 as the date of the incident. Only in the appellate order (Annexure A-2), after accepting the applicant's plea that on 01.11.2012 at the relevant time the girl was in the Hospital, the incident is stated to be of 31.10.2012. In the respondents' reply dated 21.03.2016, mention of the date 01.11.2012 is said to be an inadvertent error. Per contra, it is the stand of the applicant that such an incident never occurred.

6. Neither is known the reason for issuing two SCNs, the material contents in both being the same, nor is beyond doubt the alleged incident. We feel that there has been non-application of mind by the competent authorities in running the disciplinary action against the applicant and his OA deserves to succeed. The orders at Annexures A-1 and A-2 are, therefore, set aside.

7. Accordingly, the OA is allowed. No order as to costs.

**(K.N. Shrivastava)**  
**Member (A)**

**(Dr Brahm Avtar Agrawal)**  
**Member (J)**

/jk/