

**Central Administrative Tribunal  
Principal Bench**

**OA No.4343/2012**

New Delhi, this the 2<sup>nd</sup> day of August, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Inspector Krishna Murari Meena  
S/o Sh. D. P . Singh  
R/o H. No. 31, Raj Hans Vihar,  
Vikas Nagar,  
New Dehli 110 058. .... Applicant.

(By Advocate : Shri M. K. Bhardwaj)

Vs.

Govt. of NCT of Delhi & Others through:

1. The Commissioner of Police  
PHQ, IP Estate,  
New Delhi.
2. The Joint Commissioner of Police  
Provisioning & Logistics, Delhi,  
Delhi.
3. The Dy. Commissioner of Police  
Provisioning & Logistics, Delhi,  
Delhi. ... Respondents.

(By Advocate : Ms. Rashmi Chopra)

**: O R D E R (ORAL) :**

**Justice Permod Kohli :**

This Application has been filed seeking quashment of punishment order dated 17/18.02.2011, as also the appellate order dated 25.01.2012. Vide the first order, a penalty of forfeiture of one year approved service temporarily for a period of one year has been

imposed upon the applicant, and vide later order, the appeal preferred by the applicant has been dismissed.

2. Briefly stated, the facts as emerge from the record are that an FIR No.204/08 was registered on 25.08.2008 under Section 420/468/471 IPC at PS, Kotla Mubarakpur, New Delhi. The investigation of the case was earlier entrusted to one Sub Inspector Dharamveer Singh and later transferred to the applicant who was serving as Inspector for investigation. The allegations against the applicant are that he visited Chandigarh to meet the complainant to procure her sample signatures and to arrest the accused but he did not arrest him and returned after having dinner with him. Based upon these allegations, a departmental inquiry was initiated against the applicant vide order dated 16.07.2009 under the provisions of Delhi Police (Punishment & Appeal) Rules, 1980. After response of the applicant, an Inquiry Officer was appointed. The Inquiry Officer on conclusion of the inquiry found the charge established against the applicant. On completion of the statutory requirements, the Disciplinary Authority vide first impugned order dated 17/18.02.2011 imposed the penalty referred to hereinabove. Aggrieved of the aforesaid order of the Disciplinary Authority, the applicant preferred an appeal before the Appellate Authority, i.e., Commissioner of Police, Delhi. The Appellate Authority vide its order dated 25.01.2012 rejected the appeal.

3. The allegations against the applicant are that while investigating FIR No.204/2008 dated 25.08.2008 the applicant had gone to Chandigarh on 26.02.2009 to meet the complainant to procure her sample signatures and to arrest the accused. The applicant procured sample signatures of the complainant but the accused was not in town. The applicant had a telephonic conversation with the accused who informed him that he would come to Delhi (Police Station, Kotla Mubarakpur) after Holi. However, he did not turn up. The applicant (IO) was directed by the ACP/Sub. Div. Defence Colony to again go to Chandigarh to arrest the accused since he did not come to Delhi. He accordingly proceeded to Chandigarh on 13.04.2009 and returned on 17.04.2009 without the arrest of accused as according to him the accused was not found there.

4. The ACP, Defence Colony received a phone call from Ms. Nandini Kakkar, sister of the accused on 27.04.2009 at 16:35hrs. She informed the ACP that the applicant come to Chandigarh and met the accused. He even had dinner with him and left the next day without arresting him. A team from the Police Station, Lodhi Colony was sent to Chandigarh on 12.05.2009 to arrest the accused who was easily arrested from his house in Chandigarh. On interrogation of the accused by ACP, Defence Colony, he admitted that he had met the applicant and had dinner with him and on the next day, the applicant returned to Delhi without arresting him.

5. The respondents in their counter affidavit stated that the charge against the applicant was substantiated in the finding submitted by the Inquiry Officer and the applicant was awarded with the aforesaid penalty.

6. The applicant had challenged the penalty order and appellate order on the following grounds:-

- (i) That the applicant was not provided all the relevant documents along-with summary of allegations vide his application dated 30.07.2009 wherein the applicant requested to provide all details of the complainant, her statement, statement of prosecution witnesses, copy of the listed documents and the report of the ACP, Defence Colony.
- (ii) That the applicant was not provided copy of the report of the ACP, Defency Colony, wherein it is alleged that statement of prosecution witnesses were recorded in accordance with law.
- (iii) That the IO was determined to prove the charges. The findings of the IO are based upon extraneous considerations.
- (iv) That the allegations of not arresting the accused are false and baseless.

7. In the entire Application, the applicant has not referred to the nature of documents which he had asked for and the prejudice caused to him by not giving such documents. There is no specific averment as to what is the contravention of rules while recording the statement of PWs. As regards the allegations that the IO was determined to prove the charges against the applicant, there are absolutely no specific allegations against the IO. In any case, the IO has not been impleaded as a party respondent. It is also pertinent to note that the Inquiry Report is not under challenge, meaning thereby, findings of the Inquiry Officer have not been disputed except while making vague averments in the OA. In absence of any challenge to the inquiry report on some plausible grounds, the Tribunal cannot look into the bald averments that the IO was determined to decide the inquiry against the applicant.

8. It is lastly contended that the allegations are false. No material has been placed on record to establish as to how the allegations are false. In any case, while exercising the power of judicial review, this Tribunal cannot sit as a Court of Appeal and reappraise the evidence on the basis of which the IO has returned the findings against the applicant. The scope of judicial review has been clearly laid down by the Apex Court in the matter of *B. C. Chaturvedi vs. Union of India & Ors.* [JT 1995 (8) SC 65].

9. No specific infirmity in the order of the Disciplinary Authority or that of the Appellate Authority has been pointed out. In view of the facts and circumstances of the case, we do not find any valid ground to interfere in the orders impugned. This Application without any merit is dismissed as such.

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

**(Justice Permod Kohli)**  
**Chairman**

/pj/

