

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.4133/2013

New Delhi this the 4th day of May, 2016

HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)

Inspector Vijendra Pal
Inspector No.D-I/374, PIS 16810018
S/o Shri Ram Richpal Sharma
R/o 143, Arthla, Mohan Nagar,
Ghaziabad, UP-201007
Presently posted at Outer District,
Group 'B', Aged 56 years.Applicant

(Argued by: Mr. Sourabh Ahuja)

Versus

1. GNCT of Delhi
Through Commissioner of Police,
Police Head Quarters,
I.P. Estate, MSO Building,
New Delhi.
2. Joint Commissioner of Police.
Northern Range,
Through Commissioner of Police,
PHQ, I.P. Estate, MSO Building,
New Delhi.
3. Deputy Commissioner of Police,
Outer District,
Through Commissioner of Police,
PHQ, I.P. Estate, MSO Building,
New Delhi.Respondents

(By Advocate : Ms. Ritika Chawala)

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

The contour of facts and material relevant for deciding the instant Original Application (OA), is that applicant, Inspector Vijendra Pal was posted as SHO Incharge of Police Station, South Rohini w.e.f. 21.09.2009 to 16.12.2010. The impugned Show Cause Notice (SCN) dated 31.03.2011 (Annexure-1) was

issued to him to show cause as to why his conduct be not Censured for the grave misconduct, negligence and dereliction of his official duties displayed by him in registering the FIR No.382/2010 on 27.11.2010 under Section 379 IPC after inordinate delay of 22 days pertaining to a Motor Vehicle Theft (MVT) case despite repeated directions of the DCP (Outer District) (OD) as well as standing instructions of Police Headquarters for immediate registration of case of MVT. He filed his reply to the show cause notice. The reply was found to be unsatisfactory.

2. Thereafter, taking into consideration, the allegation of misconduct and dereliction of duty, the conduct of the applicant was Censured vide impugned order dated 14.11.2011 (Annexure A-2) by the competent authority, which reads as under:-

"ORDER

A Show Cause Notice for censure was issued to Inspr. Vijender Pal, No. D-I/374 (PIS No. 16810018) vide DCP/N.E. Distt. Vide his office No.4659-60/HAP/NE(P-1) dated 31.03.2011 on the allegations that an explanation notice was issued to him vide No.14651/HAP/OD dated 24.12.2010 for his grave misconduct, negligence, carelessness and dereliction in discharge of his official duties in that on perusal of the FIR No.382/10 u/s 379 IPC, PS, South Rohini, it has come to notice that this case has been registered on 27.11.2010, i.e., after a considerable delay of 22 days, on the pretext that the complainant himself was searching the stolen vehicle.

There has been inordinate delay in registration of the case of MV theft despite repeated direction of the DCP/Outer District as well as of several instructions of the PHQ for immediate registration of case of Motor Vehicle theft. The delay clearly reflects of (sic) lack of supervision on the part of Inspector Vijender Pal, D-1/374, the then SHO South Rohini.

The explanation was sent to ACP/Rohini to serve upon him but he neither acknowledge the same nor sent his written reply, despite issue of reminders. Hence, he was

called in orderly room and heard. His oral submission was not found convincing and he admitted delay registration.

The Insp. received the copy of Show Cause Notice and submitted his reply accordingly. Inspector Vijender Pal was also heard in OR, where he did not adduce any fresh plea which he has already submitted in his written reply to SCN. He has pleaded that efforts were made to contact the complainants/owner of vehicles immediately but they could not be contacted nor they visited the police station or met him. However, as soon as they were contacted/traced there statements were recorded and the cases were registered immediately without any delay. He also contended that there is no complaint from any of the complainant regarding delay in the registration of the case. The above contentions of Inspector Vijender Pal, the then SHO/South Rohini are not found to be satisfactory. From the reply it seems that the Inspector has not made sincere efforts not only to curb the crime but also failed to register the MV theft cases, which is a serious lapse on his part being supervisory officer. He should have formulated a strategy to control crime specially the streets ones like MV Theft etc. In fact he deliberately avoided for registration of MV theft despite repeated direction from the PHQ and senior officers for prompt registration of cases. The delay of 22 days in registration of MV theft cases without any cogent reason clearly indicates intentional omission on his part, being SHO. Therefore, dissatisfied with the reply submitted by the Inspector and overall facts and circumstances of the case, the proposed show cause notice issued to him is confirmed and the conduct of Inspector Vijender Pal, No.D-1/374 is hereby Censured.

Let a copy of this order be given to him free of cost. He can file an appeal to the Joint CP/Northern Range, Delhi within 30 days from the date of receipt by enclosing a copy of this order, if he so desires.

Sd/- 14.11.2011
(B.S. JAISWAL) IPS
DY. COMISIONER OF POLICE,
OUTER DISTRICT, DELHI".

3. Likewise, the appeal filed by him was also dismissed vide order dated 12/15.11.2012 (Annexure A-3) by the Appellate Authority.
4. Aggrieved by the impugned Annexure A-1 SCN, Annexure A-2 and A-3 orders of Disciplinary and Appellate Authority, respectively, the applicant has filed the instant OA mainly on the

ground that they are illegal, arbitrary and without jurisdiction, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

5. The contesting respondents filed the reply refuting the claim of the applicant and denying the allegations contained in the OA and prayed for its dismissal.

6. What cannot possibly be disputed here is that while posted as SHO, Police Station, South Rohini, applicant has also delayed the registration of 17 FIRs in MVT cases. Similar SCN was issued to him in those cases. The Disciplinary and Appellate Authorities rejected his contention and Censured his conduct. He challenged the impugned SCN and orders (therein) in **OA No.3811/2013** titled as ***Inspector Vijendra Pal Vs. GNCT of Delhi and Others*** which was dismissed on 29.03.2016 by this Tribunal (copy annexed).

7. A bare perusal of the record of instant OA would reveal that similar SCN was issued to the applicant for delaying the registration of FIR in MVT case for 22 days. He has filed similar reply. The Disciplinary and Appellate Authorities have passed the similar impugned orders as they had passed in the previous case (subject matter of OA No.3811/2013).

8. This is not the end of the matter. The applicant challenged the impugned SCN and orders on the similar grounds through the same counsel. So much so that the respondents have pleaded similar defence in their counter reply. Besides it, all the points now urged on behalf of the applicant and issues involved, were argued, considered and decided in previous **OA No.3811/2013** filed by the same applicant through the same counsel. Meaning

thereby, the controversies involved in the instant OA are squarely covered by the earlier decision. Moreover, the learned counsel for the parties are *ad-idem* that all the points of attack and defence in this OA are identical and answered in the decision dated 29.03.2016 in **OA No.3811/2013** between the same parties.

9. After hearing the learned counsel for the parties and after going through the record in order to avoid the repetition of facts, we adopt the reasons and findings contained in order dated 29.03.2016 passed in **OA No.3811/2013**.

10. In the light of the aforesaid reasons, as there is no merit in it, the instant OA is hereby dismissed in terms of the order dated 29.03.2016 passed in OA No.3811/2013 between the same parties by this Tribunal. No costs.

(K.N. SHRIVASTAVA)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh