

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 1424/2019

New Delhi this the 1st October, 2019

Hon'ble Sh. Pradeep Kumar, Member (A)

Chander Bhan Yadav,
S/o Sh. Hari Shankar Yadav,
Head Constable, Group-C, Aged About 44 years
R/o Quarter No. 377, Type- 1st,
Policy Colony, Shalimar Bagh,
New Delhi- 88

.....Applicant

(By Advocate: Sh. Vishal Arun Mishra)

VERSUS

1. Government of India,
Through the Commissioner of Delhi Police,
Delhi Police Headquarter,
ITO, Delhi
2. Joint Commissioner of Police,
7th Floor, Transport Range
Police Headquarter, ITO, New Delhi
3. Additional Commissioner of Police,
Ajmeri Gate Side, New Delhi Railway Station,
Delhi.

.....Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (ORAL)

1.0 The applicant herein was posted as Head Constable in Delhi Police and while he was working as duty officer at New Delhi Railway Station on 10.05.2018, one lady passenger called the duty officer on phone and made a

complaint that a rikshaw puller was trying to charge excessive amount and it was also reported that the said rikshaw puller was drunk.

The applicant pleads that on receipt of this complaint he immediately directed Sh. Satish Rathi, who was the duty Beat Constable for the area, to go to place of incident. However, the said HC Satish neither attended the incident nor provided any feedback to the applicant, duty officer.

The said lady complainant made a second call to the applicant, duty officer. The applicant, thereafter, directed Sh. Shibu V.R., ASI, to reach place of incident. When said Sh. Shibu, ASI reached the site accompanied by a lady Constable by the name Ms. Manisha, they found that the rikshaw puller was injured and the complainant lady was not present.

2.0 Subsequently, the lady complainant, made a tweet to the Hon'ble Chief Minister of Delhi. Following this, applicant was suspended on 11.05.2018. Subsequently, suspension was revoked and a show cause notice was issued to the applicant on 29.05.2018. It was brought out that the said duty officer, the applicant herein, had not made any daily diary entry about the said incident or the action taken by the duty officer.

On a specific query, the learned counsel for the applicant was unable to clarify as to what action was initiated by duty officer to discipline Sh. Satish, Head Constable who was directed to go to the spot but did not go. It was clarified that no action was taken in this regard by the said duty officer. Not even diary entry was made. It was only pleaded that there was too much rush for duty officer to take any such action.

The applicant pleads that the Disciplinary Authority suspended him on 11.05.2018 and issued him a show cause notice on 29.05.2018. He submitted his explanation. Thereafter, he was issued an order for imposing punishment of censure. The suspension period was treated as spent on duty. The Appellate Authority upheld this punishment.

3.0 Feeling aggrieved with the punishment of censure, the applicant has filed the instant OA and sought relief to quash punishment.

4.0 *Per contra*, the respondents brought out the facts and opposed the OA. They also took reliance on a judgement by the Hon'ble Apex Court in the matter of **Commissioner of Police, New Delhi and Ors. v. Mehar Singh**, [(2013) 7 SCC 685] wherein the Court made following observations: -

“28. The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public

order in the society. People repose great faith and confidence in it. It must be worthy of that confidence.....”

It was pleaded that inaction on the part of applicant, duty officer to redress the grievance of lady complainant and thereafter not reporting disobedience on the part of Beat Constable HC Satish and not making any daily diary entry amounts to gross negligence. It sullies the image of Delhi Police and belies the trust of people, who are supposed to be served. Accordingly, punishment is in order and OA needs to be dismissed.

5.0 Matter has been heard at length. Learned counsel Sh. Vishal Arun Mishra represented the applicant. Learned counsel Ms. Esha Mazumdar represented the respondents.

6.0 The facts of this case are not in doubt. The duty officer was required to ensure that the complaints are attended to promptly. Even if, it is believed that he directed Sh. Satish Rathi, Head Constable to attend the complainant, when he had received a second call, it was clear that Shri Satish did not attend and disobeyed. It is only thereafter, that he directed another official namely Sh. Shibu to attend. In such circumstances, it was the bounden duty of duty officer to report the matter of disobedience by said Sh. Satish HC, to the superior authorities. This has not been done in the instant case. The applicant did not even make a daily diary

entry and especially so since complainant was not found at site and ricksaw puller was found injured.

7.0 This act by the applicant amounts to negligence. In consideration of same, the punishment was imposed. Applicant was given full opportunity to defend himself. Neither, can this punishment of censure, as imposed upon him, be said to be disproportionate nor was there any lack of opportunity to applicant to defend him. Under such circumstances, there is no need for interference by the Tribunal.

8.0 The arguments put-forth by the applicant are not gaining acceptability. Hence OA stands dismissed for want of merit. No costs.

**(Pradeep Kumar)
Member (A)**

/pinky/