

(V)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1752/2003

New Delhi, this the 30th day of December, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri R.K. Upadhyaya, Member (A)

Shri Harpal Singh Gill,
Inspector (D-1/487)
S/o late Sh. Kartar Singh,
R/o House No. 112, Lane No. 4,
Anupam Garden, New Delhi.Applicant

(By Advocate: Shri Naresh Kaushik)

Versus

1. Union of India through
through its Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Commissioner of Police,
Delhi Police Headquarter,
M.S.O. Building, I.P. Estate,
New Delhi.
3. The Joint Commissioner of Police,
Armed Police, PHQ,
Delhi.Respondents

(By Advocate: Mrs. P.K. Gupta)

ORDER (ORAL)

Justice V.S. Aggarwal, Chairman -

Applicant is an Inspector in Delhi Police. Aggrieved by the order passed by the disciplinary authority and the appellate authority, the present application has been filed.

2. We take liberty in mentioning some of the events. A show cause notice had been served on the applicant, the operative part of the same reads:

"Whereas the Passing Out Parade of recruit constables of 4th Bn., DAP was

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held at New Police Lines Parade Ground on 17.4.2000 and media persons were invited to cover the Parade function as usual. It seems that when they reached the Parade ground somewhat late i.e. at the stage when the oath-taking ceremony by recruit constables was taking place: the policemen at the Parade ground entry gate did not allow the said media-persons entry whereupon the constable from Delhi Police PRO Section accompanying the media persons went inside and contacted the PRO and apprised him of the problem. The PRO in turn informed DCP/Ist Bn., DAP of the position who directed Shri R.P. Mehta, ACP to go alongwith the said constable and to sort out the problem.

And whereas Shri R.P. Mehta, ACP intervened with the policemen at the Entry Gate and succeeded in bringing the aforesaid invited media-persons alongwith him inside the parade ground entry gate. At this juncture, the oath taking ceremony by the recruit constables was continuing and the photographers among the media-persons were keen to take the snaps of the oath-taking ceremony. In these facts and circumstances, they wanted to cut across the ground to take the snaps of the oath taking ceremony.

And whereas the media persons accompanied by Shri R.P. Mehta, ACP were stopped to proceed to the ground in that direction by Insp. Harpal Singh Gill, No.D-I/487 of 8th Bn., DAP and his accompanying staff who were laying chairs for the group photographs of the prize winners with the Chief Guest and were not concerned about any other arrangement as such. Despite persuasion by the accompanying ACP Shri R.P. Mehta, the aforesaid Inspector Harpal Singh Gill remained adamant in his inappropriate/unjustified and offensive behaviour and did not allow the media-persons to proceed to the Parade ground as stated above despite clear directions from a senior rank namely Shri R.P. Mehta, ACP. The media-persons were invitees of Delhi Police and above-noted uncalled for undesirable behaviour of Inspector Harpal Singh Gill offended the media-persons who thereupon walked out in protest from the Parade Ground without covering the function in the manner contemplated and intended in extending invitation to them. The media-persons, thereafter, lodged their complaint on this account to the Special C.P./Admn. and also to the undersigned through PRO,

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Delhi Police, conveying their strong resentment of maltreatment at the N.P.L. Parade Ground.

And, whereas the aforesaid incident was wholly avoidable as it was none of his (Inspector Harpal Singh Gill's) business to interfere with the media-persons and create an unpleasant scene specially when an ACP rank officer was accompanying them."

3. Applicant had filed the reply. The disciplinary authority considering the same censured the conduct of the applicant and his appeal has been dismissed by the Commissioner of Police on 23.8.2002.

4. The contention of the learned counsel for the applicant is that the applicant had not derelicted any duty and, therefore, there is no basis for censuring the conduct of the applicant.

5. The application is being contested. In the reply filed, the respondents refer to the basic facts which we have already reproduced from the summary of allegations. According to the respondents, the media persons who were invitees of Delhi Police felt offended from the undesirable behaviour on the part of the applicant because he did not allow the media persons accompanied by the ACP to come to the Parade side from a place which was not the main passage.

6. During the course of submissions, learned counsel for the respondents had drawn our attention to

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the fact that in the reply, the applicant admits that he was not on duty at the said place and, therefore, the conduct of the applicant had ~~been~~ ^{en} deprecated. Learned counsel for the respondents has drawn our attention to paragraph 7 of their reply which reads as under:

"7. It may be pertinent to mention here that during the aforesaid passing out/oath taking ceremony, the duty of regulating/helping the media persons/photographers was assigned to Shri D.L. Kashyap, DCP/8th Bn. DAP and two Insprs. i.e. me and R.S. Chauhan assisted by other subordinate staff from VIII Bn. DAP were detailed by the DCP/8th Bn. DAP for his assistance to carry out the said job. We were under clear instructions from our supervising DCP that none other than the officially invited media persons/photographers were to be allowed at the parade ground. We were briefed that only the eligible photographers/media persons would be allowed to enter from the main entrance who would come well before the function to start. Insp. R.S. Chauhan was detailed to look after the said persons of Press/photographers. He was directed not to permit private or uninvited photographers/media persons. The DCP detailed me to look after the chair arrangement for a group photograph scheduled to take place on the North side of the Shamiana at the end of the function. Though, my specific duty on that day was to ensure proper chair arrangement, nevertheless, and in no way the usual law and order duties which a prudent police officer is always required to perform, had been taken away from me. I was very acquainted with the place where at from the media persons were required to enter, that too before starting of the function. In no uncertain terms, I may very humbly but boldly submit that the so called media persons had miserably failed to come in time to cover the function. They reached late and to conceal their lapse of late coming only, they had attempted to enter the parade ground from an unauthorised

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place. it is very strange that instead of scolding the late comers, and unauthorised entrants, devoted police officer is being harassed unnecessarily."

7. We would have gone into this aspect but this is not dereliction of duty for which conduct of the applicant had been censured. The summary of allegations is different. If per chance the respondents state otherwise that cannot be taken as a dereliction of duty unless in the form of summary of allegations said conduct has been mentioned, otherwise the applicant can indeed be justified in complaining that prejudice is caused because no reasonable opportunity has been given to him. Resultantly, we do not dwell into the said contention any further.

8. Perusal of the summary of allegations/show cause notice reveals that the allegation against the applicant was that media persons were late and they did not want to go to the site where the Parade was being held through the main gate. The applicant, despite the media persons having been accompanied by an ACP, insisted that they should go through the main gate and not enter cutting across the ground.

9. Discipline is indeed a hall mark of the conduct of the police. If a police officer in a disciplined manner insisted that the persons should enter the parade ground through the main gate, he was only enforcing the discipline. We find no logic in the assertion of the respondents that had the media persons not arrived, photographs would have not been taken.

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Afterall the applicant was asking the media persons to go through the main gate. It is not dereliction of duty. The totality of facts, therefore, indicates that even taking the assertions in the show cause notice, there is no dereliction of duty which could be attributed to the applicant.

10. Resultantly, we allow the application and quash the impugned orders. No costs.



(R.K. Upadhyaya)
Member (A)



(V.S. Aggarwal)
Chairman

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