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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1837/2003

Friday, this the 25th day of July, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri Govindan S. Tampi, Member (A)

Ex.28860801  
Ct. Ranbir Singh  
r/o V PO Raji Garhi  
PS Gannaur  
Distt. Sonipat  
Haryana.

(By Advocate: Shri R.D.Chauhan) ..Applicant

Versus

The Commissioner of Police  
Police Head Quarter, IP Estate  
New Delhi

..Respondent

O R D E R (ORAL)

Shri Govindan S. Tampi:

Heard Shri R.D.Chauhan, learned counsel for applicant.

2. The relief sought for by the applicant is for quashing and setting aside the order dated 4.3.2002 passed by the Deputy Commissioner of Police and the appellate order dated 16.10.2002 passed by the Commissioner of Police. It is a case where the applicant has been dealt with for having been unauthorisedly absent from duty for a total period of 234 days in five spells during from January to September, 2001. It is also shown that he had been unauthorisedly absent for a period of 419 days in 25 spells during December 1998 to July 2000. Proceedings had been initiated against the applicant separately for unruly behaviour and unauthorised absence for 13 days, in 2001, as pointed out by the applicant himself. Learned counsel states that the applicant had

to be away from duty on account of four deaths in the family during 1999 and that he had also made application, for leave whenever he could not attend office that being the case there was no reason why the respondents could have proceeded against him and imposed on him the unjustified and harsh penalty of dismissal. Both the Disciplinary authority and the appellate authority had acted without application of mind and their action should be set aside and justice rendered to him, pleads the counsel.

3. We have considered the matter and we are convinced that the applicant has not made out any case for himself. The applicant working as a constable with Delhi Police since 1.4.1986 is found to have absented himself from duty without permission for as many as 234 days in five spells between January and September 2001. It is on record that further he was away from duty without permission on 25 occasions, totalling 419 days between December 1998 and July 2000. It is also brought an evidence that the respondents were alert him on a regular basis by issue of absentee notices during the period of absence. All those facts have been faithfully recorded in the orders passed by the Disciplinary Authority on 4.3.2002 and the Appellate Authority on 16.10.2002. In view of the above, the applicant has been considered to be a habitual absentee, who is incorrigible in his attitude. The only plea he has put before us is that there had been four deaths in his family during 1998-99, which do not at all justifying his

(3)

absence in 2001. The competent authorities had correctly come to the conclusion that such a delinquent officer cannot be entertained in a disciplined force like Delhi Police and <sup>thus</sup> dealt with him accordingly. The penalty of dismissal imposed on him also does not appear to be harsh in the circumstances of the case.

4. OA is, in the circumstances, dismissed in limine.

(Govindan S. Tampli)  
Member (A)

/s/

18 Aug 2002

(V.S. Aggarwal)  
Chairman