

Q

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2165/2003

New Delhi, this the 16th day of March, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.K. NAIK, MEMBER (A)

Head Const. Om Dutt No.11106/DAP
(PIS No.28760111)

s/o Late Shri Gopi Ram Sharma
10th Bn. DAP, Pitampura Lines
Delhi - 110 034.

... Applicant

(By Advocate: Sh. Sama Singh)

Versus

1. Govt. of N.C.T. of Delhi
Through its Chief Secretary
Delhi Secretariat, I.P.Estate
New Delhi - 110 002.
2. Commissioner of Police
Delhi Police Headquarters
M.S.O. Building, I.P.Estate
New Delhi - 110 002.
3. Joint Commissioner of Police(Hqrs.)
(Northern Range)
M.S.O. Building, I.P.Estate
New Delhi - 110 002.
4. Joint Commissioner of Police
(Northern Range)
M.S.O. Building, I.P.Estate
New Delhi - 110 002.
5. Deputy Commissioner of Police
North-West District
Ashok Vihar, Delhi.
6. Asstt. Commissioner of Police
Sub Division - Sultanpuri
Delhi.

... Respondents

(By Advocate: Sh. Ajesh Luthra)

O R D E R (Oral)

Justice V.S. Aggarwal:-

By virtue of the present application, the applicant Shri Om Dutt who is a Head Constable in Delhi Police seeks quashing of the remarks of the Reviewing Officer and consequential benefits after

V.S. Aggarwal

quashing of the same, if any.

2. The grievance of the applicant is that the Reporting Officer had given the following remarks in the Annual Confidential Report (in short 'ACR') from 1.4.2000 to 31.3.2001:

"Health	-	Excellent Very Good Good Satisfactory Unsatisfactory
Turn out	-	Good
Efficiency of parade	-	Not tested
Relation with public	-	Good
Knowledge of Criminals	-	Good
Remarks	(i) Major - 1.Censured vide No.4251-65/ DCP/S.Puri dt.23.12.1	
	(ii) Minor - 2.Censured vide No.2547-58/ ACP-S.Puri dt. 20.8.2K.	
	3. Censured vide No.12535-46/ACP-S. Puri dt.22.8.2K.	
	4. Censured vide No.3750-3712/ACP-S. Puri dt.17.11.2K.	
General Remarks	-	His work and conduct remained good

Grading A B

Signature of the Reporting Officer Sd/-

Name in Block letters (RANBIR SINGY)

Designation - Insp. SHO/S.Puri"



3. The applicant contends that the Reviewing Officer without any plausible reasons has recorded "he is negligent and careless" and graded him as 'C'.

4. Learned counsel for the applicant argues (a) that this grading is without recording of the remarks and without any reasons, and (b) it amounts to imposing dual punishment on the applicant.

5. The application has been contested.

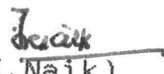
6. It was not disputed at the Bar that during the said period i.e. from 1.4.2000 to 31.3.2001, the applicant had been censured on four occasions. It was also not disputed and fairly conceded at the Bar that those censures so awarded were not challenged and have become final. Once those censures which were admittedly pertaining to negligent acts have become final, we find nothing illegal if the Reviewing Officer records the same facts that he is negligent and careless.


7. As regards the second contention that it is a dual punishment, the same has to be stated to be rejected. The applicant was censured four times in a year. Recording of the confidential report is a reflection of his work and conduct for one year. It is not a penalty. Therefore, it cannot be stated that applicant has suffered double jeopardy.

BS Ag

8. No other argument has been raised.

9. Resultantly, the O.A. being without merit must fail and is dismissed.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman

/dkm/