

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA No. 4580/2014**

New Delhi, this the 20<sup>th</sup> day of November, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Anil Bhai, Constable,  
Aged about 32 years,  
S/o Shri Sardar Singh,  
R/o Barrack No.5,  
New Police Lines, Kingsway Camp,  
Delhi-110 009

- Applicant

(By Advocate: Mr. MK Bhardwaj)

Versus

Commissioner of Police & Ors. through:

1. The Commissioner of Police,  
Police HQ, IP Estate,  
New Delhi
  2. The Additional Commissioner of Police,  
Police Control Room, Delhi
  3. The Additional Deputy Commissioner of Police,  
(GA), Police Control Room,  
Delhi
- Respondents

(By Advocate: Ms. Sangita Rai)

**O R D E R (ORAL)**

**Justice L. Narasimha Reddy, Chairman:-**

The applicant is working as Constable in Delhi Police. Disciplinary proceedings were initiated against

him by issuing a notice on 18.10.2011, alleging that he and certain other constables have received illegal gratification from a CNG Agency, for permitting the movement of the tankers. The applicant submitted a representation on 28.01.2013. After hearing him as required under the relevant provisions of law, the Inquiry Officer (IO) framed the charge. Thereafter a regular inquiry was conducted and the IO submitted a report on 18.02.2013, holding that the charge against the applicant is proved. The copy of the report of the IO was furnished to the applicant. On consideration of the representation made by the applicant, the Disciplinary Authority(DA) passed the order dated 06.03.2013, imposing the punishment of forfeiture of one year's approved service of the applicant, permanently. An appeal preferred by him was rejected on 14.04.2013. This OA is filed challenging the order of punishment, as approved by the Appellate Authority.

2. The applicant contends that the finding of the IO is without any basis and the imposition of the penalty was totally uncalled for. It is stated that except making vague

and abstract allegations, no specific evidence was adduced and the entire proceedings are vitiated.

3. On behalf of the respondents, a counter affidavit is filed. It is stated that on receipt of a complaint against the applicant, a sting operation was arranged and apart from that, a video recording has also shown that the applicant received the illegal gratification.

4. The respondents contend that the prescribed procedure was followed and adequate opportunity was given to the applicant at every stage and that the proceedings do not suffer from any legal infirmity.

5. We heard Mr. MK Bhardwaj, learned counsel for the applicant and Ms. Sangita Rai, learned counsel for the respondents.

6. The allegation against the applicant is that he received illegal gratification from the dealer of a CNG Agency for permitting the movement of tankers. The allegation was made against some other Police officials also. Having regard to the gravity of the allegations, the concerned authority arranged for a sting operation. The

video recording was also arranged. In the course of inquiry, it was proved that the applicant has received illegal gratification of Rs.1,000/- at third point on the particular day. The applicant was not able to disprove or suggest anything to the contrary. Once a serious charge of receiving illegal gratification is proved, through irrefutable evidence of video recording, the applicant cannot escape from the consequences thereof. It is not even alleged that the video recording is fabricated or that it does not reflect the true state of affairs.

7. We cannot sit as an appellate authority over the findings in the departmental inquiry. It is only when serious lapse is pointed, that the possibility may exist. We are convinced that the findings recorded by the IO are based on clinching evidence. The punishment imposed against the applicant is also commensurate with the acts of indiscipline, proved against him.

8. We do not find any merit in the OA. Accordingly, it is dismissed. There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**  
 /lg/

**(Justice L. Narasimha Reddy)**  
**Chairman**

