
(2019) 05 CAT CK 0065

In the Central Administrative Tribunal

Case No : Original Application No. 281 Of 2017

Ramesh Kumar

APPELLANT

Vs

Delhi Police

RESPONDENT

Date of Decision : 08-05-2019

Acts Referred:

Citation : (2019) 05 CAT CK 0065

Hon'ble Judges : Mohd. Jamshed, J

Bench : Single Bench

Advocate : Manish Sharma, Sangeeta Rai

Final Decision : Dismissed

Judgement

1. The applicant was working as Head Constable with Delhi Police. As stated in the OA, on 13.05.2015 he was on duty at AFS Palam. During this time he was assigned various duties including cordoning the VIP Aircraft. It is stated that due to delayed instructions to bring certain equipments from parking space, the applicant was reprimanded on the spot by Senior Officers. He was also questioned for causing delay in cordoning the VIP Aircraft, misbehaving with the officers on duty and also for wearing black coloured sandal on duty. The applicant has stated that although he reached the duty spot on time and also completed the assigned work, due to delayed instructions the Aircraft was not cordoned off on time. Further, his Sr. officers misbehaved with him. He has stated that he was wearing black coloured sandal because of certain problems in his feet.

2. On 15.05.2015, the applicant received the ?Explanation? notice dated 14.05.2015 from the competent authority seeking his explanation. The applicant replied to the explanation notice on 15.05.2015. On 23.05.2015, the applicant received a show cause notice through which he was faulted and called upon to show cause as to why he should not be ?Censured? for misbehaving with his senior officers and wearing slippers on duty.

3. On 02.06.2015, the applicant submitted a written reply to the show- cause

notice. The competent authority i.e. Assistant Commissioner of Police found the written reply of the applicant unsatisfactory and confirmed punishment of ? Censure? on the applicant vide his letter dated 11.06.2015.

The applicant, aggrieved by this order, preferred an appeal before the Joint Commissioner of Police, New Delhi on 24.07.2015. The said appeal was rejected by the competent authority on 17.10.2016. Aggrieved by this action, the applicant had filed the present OA seeking the following reliefs;

"8.1 This Hon?ble Tribunal may kindly be pleased to set aside/quash the order No.3945-66/HAP/Sec.(P-II)dated 11.06.2015 [Annexure A/1] and Order no.120-122/Appeal Cell/Jt.CP/Sec. dated, New Delhi dated 17/10/2016 [Annexure A/2].

8.2 Any other order may also kindly be passed in the facts and circumstances of the case in favour of the applicant."

4. The applicant is seeking quashing of the orders by the Disciplinary Authority and by the Appellate authority.

5. The respondents in their counter affidavit opposed the OA indicating that the applicant was assigned duties to cordon an Aircraft at Palam Airport but he reached late. On being asked about his reaching late he misbehaved with his senior officers. The applicant was also wearing slippers on duty. For these serious lapses and grave misconduct, he was duly issued a show cause notice and given an opportunity to submit his explanation. The Disciplinary Authority, imposed the punishment of ?Censure?. The Appellate Authority by a detailed speaking order rejected the appeal of the applicant.

6. Heard the learned counsel for the applicant, Shri Manish Sharma and learned counsel for respondents, Ms. Sangeeta Rai.

7. The OA filed by the applicant is seeking the Tribunal?s indulgence in setting aside and quashing the order of punishment of ?Censure? dated 11.06.2015 and the order passed by the Appellate Authority dated 17.10.2016. From the facts of the case and the arguments, it is revealed that the applicant was on VIP duty on 13.05.2015. Certain lapses and misconduct were noticed by his Sr. officers on part of the applicant. The applicant belongs to Delhi Police and is expected to be disciplined and display proper conduct while on duty. In this case he was specifically assigned VIP duty at Palam Airport and it is expected that he would have been more vigilant, alert and disciplined. However for various lapses, misbehaviour, misconduct and indiscipline, he was remanded by his superior officers and later on given an opportunity to submit his ?Explanation?. In the explanation, the applicant instead of explaining his conduct only questions about the timings of the Senior Officer?s directives etc. He was thereafter issued a detailed show cause notice indicating as to why the punishment of ?Censure? not imposed upon him for his alleged late coming on duty, indulging in misbehaviour with his senior officers and for wearing slippers on duty. The applicant furnished

a detailed explanation which was considered by disciplinary authority and punishment of 'Censure' was confirmed vide order dated 11.06.2015. His appeal was also rejected vide a detailed speaking order by the appellate authority on 17.10.2016.

8. In view of the above mentioned, there is no reason to believe that the applicant was denied any opportunity of presenting his case. He was given reasonable opportunity to explain his case. Following due process, a show cause notice was issued by the Disciplinary authority. Applicant's representation was considered and a reasoned speaking order was passed to 'Censure' him. Opportunity to file appeal was also extended and the same was considered and rejected by the Appellate Authority.

9. In view of the above mentioned, I am of the view that the O.A. is devoid of merit and the same is accordingly dismissed. No order as to costs.