
(2021) 01 CAT CK 0002

In the Central Administrative Tribunal

Case No : Original Application No. 2220 Of 2020

Ravi Kant

APPELLANT

Vs

Delhi Police & Others

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0002

Hon'ble Judges : L. Narasimha Reddy, J;Pradeep Kumar, Member (A)

Bench : Division Bench

Advocate : Anil Singal, Esha Mazumdar

Final Decision : Dismissed

Judgement

Pradeep Kumar, Member (A)

1. The applicant herein was posted as SHO, Karawal Nagar, under Delhi Police, on 05.09.2017. In his jurisdiction, 02 FIRs were lodged on 04.01.2018

and 09.01.2018 wherein certain gambling activities were reported. Following this, a Show Cause Notice (SCN) was issued to him on 22.01.2018,

advising poor control over subordinate staff and failing to prevent unwarranted activities, including Gambling, in his jurisdiction. It was also noted as to

why punishment of censure should not be imposed.

He submitted his defence on 21.02.2018. It was brought out that drive against Gambling has been intensified. In the year 2016, 03 FIRs were lodged.

In the year 2017, 07 FIRs were lodged and this tempo has been maintained in the year 2018 also and a total of 10 FIRs were registered against this

crime, in the period 05.09.2017 to 21.02.2018. He also brought out that 52 people were arrested on account of these FIRs against gambling.

Applicant pleaded that he has done the utmost to control Gambling and as such

no punishment should be imposed.

2. The Disciplinary Authority (DA) considered the same. However, the punishment of censure was imposed vide Orders Dt. 01.03.2018. The

applicant made an appeal to the Appellate Authority (AA), however the same was rejected vide orders dated 01.08.2019.

3. Feeling aggrieved at the issuance of SCN dated 22.01.2018, the DA orders dated 01.03.2018 and the AA order dated 01.08.2019, the instant OA

has been filed and the applicant has prayed to quash all these three orders.

4. Matter has been heard at admission stage. Shri Anil Singal, learned counsel represented the applicant and Ms. Esha Mazumdar, learned counsel represented the respondents.

5. The applicant herein was posted on the important charge of SHO at Karawal Nagar on 05.09.2017. It is the assigned duty of the SHO to keep an

eye on his jurisdiction and to ensure that unauthorized activities do not take place. In the instant case, 02 FIRs were registered in quick succession on

04.01.2018 and 09.01.2018 with also lead to arrest of certain culprits. It was only after at that stage that a SCN was issued.

The relevant part of AA order dated 1.8.2019 is reproduced below:

â??The Disciplinary Authority had gone through the reply submitted by the appellant and also heard him in O.R. on 26.2.2018 but the reply submitted

by him as well as his verbal submission was found not satisfactory. He failed to stop illegal activities such as gambling in his PS area despite several

briefing/directions of senior officers. Therefore, the SCN was confirmed and a punishment of censure was awarded to the appellant vide order dated

01.03.2018 for the above lapse. Hence, the appeal.

Following the appeal, I have heard the appellant in O.R. During O.R., he stated that after joining as SHO/Karawal Nagar on 5.9.2017, he made

sincere efforts to abolish organized crime such as sale of illicit liquor, gambling etc. Further, he stated that Beat and Division Officers of PS/Karawal

Nagar were motivated and pulled for prevention and detection of crime specially under gambling Act. As a result, the staff of PS/Karawal Nagar had

apprehend 29 persons in 05 cases of gambling Act. I have duly considered the submissions of the appellant which are not convincing as the appellant

failed to check the organized crime in the police station area.

Keeping in view of the above, I find no reason to interfere with the order of the Disciplinary Authority. As such, the appeal filed by the appellant is hereby, rejected being devoid of merit and substance.

Let the appellant be informed accordingly.â??

6. It is seen from the above that the applicant had been given the full opportunity to defend himself. Personal hearing was also given by both DA and the AA. However, the DA as well as the AA, both were not satisfied that adequate action was taken by the applicant, who was working as SHO.

The Tribunal finds that natural justice has been exercised.

7. In view of the foregoing, there is no cause of interference by the Tribunal. OA is without merit and the same is dismissed. No costs.