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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **W.P.(C) 7757/2011**

OMBIR SINGH

..... PETITIONER

Through

Mr. Shyam Babu, Advocate with Mr. Shekhar
Kumar, Advocate.

Versus

GOVT. OF NCT OF DELHI AND ORS

..... RESPONDENT

Through

Ms. Zubeda Begum, Advocate.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

31.10.2011

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On the charge of illegally arresting one Mr. Amit Kumar at the instance of one Sh.Radhey Shyam when the place of alleged incident was also not within the jurisdiction of the petitioner (then posted as Head Constable in P.S. Khajuri Khas, Delhi) and falsely implicating him in a case, the petitioner was chargesheeted and inquiry held against him. During the inquiry, as many as seven prosecution witnesses were examined and the charge was proved. The report of the Inquiry Officer was duly considered by the disciplinary authority and accepted after opportunity being given to the petitioner to make representation against those findings. On that basis, punishment of forfeiture of two years of approved service was awarded to the petitioner. The departmental appeal of the petitioner also failed. Thereafter, the petitioner challenged the said penalty imposed upon him by filing O.A. before

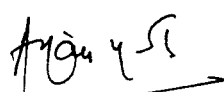
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the Tribunal. The petitioner challenged the conduct of inquiry on various grounds including on the ground that preliminary inquiry report was not furnished to the petitioner inspite of request.

We find from the well written order of the Tribunal that all these grounds are duly considered. The Tribunal has rightly recorded that the Preliminary Inquiry Report was not made part of the chargesheet nor it was relied upon. If full-fledged inquiry was held, and in this inquiry on the basis of evidence produced, charge was established, the preliminary inquiry lost its importance. The Tribunal has relied upon the judgment of Supreme Court in the case of *Narayana Dattatraya Ramateerthakhar Vs. State of Maharashtra*, AIR 1997 SC 2184.

We find from the order of the Tribunal that each and every argument raised by the petitioner has been rightly considered and brushed aside. We do not find any merit in this petition which is accordingly dismissed.


ACTING CHIEF JUSTICE


RAJIV SAHAI ENDLAW, J

OCTOBER 31, 2011

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