

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CC 2450/2001

Petition(s) for Special Leave to Appeal(Civil)...../2001

(From the judgement and order dated 17/05/1999 in CWP 5150/98
of The HIGH COURT OF DELHI AT N. DELHI)

WAZIR SINGH

Petitioner (s)

VERSUS

GOVT.OF N.C.T. OF DELHI & ORS.

Respondent (s)

(for an appln. for c/delay in refiling SLP)

Date : 09/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. Mukul Gupta,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

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Heard learned counsel for the petitioner.
Delay condoned.

In our view the impugned order passed by the High court does not call for any interference. The High Court arrived at a conclusion that the allegation against the petitioner that he had consumed beer in the company of three members of the general public inside the police check post on 25th May, 1990 were proved. The court also took into consideration the fact that after giving an opportunity of being heard the Inquiry Officer concluded that the petitioner was real culprit who not only took his friends to consume beer inside the check post but also supplied glass and jug for this ..2/-

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purpose and he himself joined the drinking session with them without caring that he was in uniform and on duty. The disciplinary authority further noted that those were the days of terrorists activities at its peak and keeping in view the crime infested border area of Ghaziabad the conduct of the Head Constable was highly reprehensible and condemnable. The disciplinary authority further held that he not only neglected his duty but also lowered down the esteem of the department and placed the lives of number of persons at risk at the hands of terrorists and criminals.

On the basis of these findings the High Court arrived at a

conclusion that the order passed by the disciplinary authority does not call for any interference and dismissed the writ petition filed by the petitioner.

The learned counsel appearing for the petitioner submitted that before passing the impugned order the disciplinary authority ought to have arrived at a conclusion that the conduct of the petitioner amounted to grave misconduct rendering him unfit for the police service. In our view, if the specific words 'unfit for police service' are not used in the order it would not vitiate the order passed by the disciplinary authority. The disciplinary authority specifically arrived at a conclusion that it was a grave misconduct on the part of the petitioner who indulged in drinking activity while on duty, particularly, at a place which was infested with the terrorists and criminals. This misconduct itself was sufficient to remove the petitioner from the service as it is grave misconduct rendering him unfit for police service. Hence, this petition is dismissed.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master