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FOR PUBLICATION IN THE DELHI POLICE GAZETTE :: DELHI
(Orders passed by Deputy Commissioner of Police :: Establishment, Delhi)

Dated 17/7/2018

No.A-1/3/(IV-1)/2012/ 39526 /CB-IV/PHQ::**REMOVAL OF NAME FROM PROMOTION LIST D-I (EXE.)** :- The name of HC (Exe.) Hemender Pal, No. 1198/SB, 8029/DAP, 531/Sec. (PIS No. 28822927) was admitted to Promotion List D-I (Exe.) w.e.f. 19.02.2010 in terms of Rule-15(i) of Delhi Police (Promotion & Confirmation, Rules, 1980 vide PHQ's Notification No. 10511-611/CB-IV/PHQ dated 03.03.2010 for training in Intermediate School Course. After induction of his name to Promotion List D-I (Exe.) w.e.f. 19.02.2010, a Departmental Enquiry was initiated against him vide order No. 917-35/HAP/SB(P-I) dated 23.01.2013 on the allegations that an anonymous complaint was received in Security Unit in which it was alleged that some police personnel posted in Accounts Branch/Security were indulging in preparing one more extra arrear of 40% of 6th Pay Commission on the condition of payment of 50% commission. On receipt of the complaint in Security Unit, an enquiry into the matter was got conducted through Inspector Aas Mohd., the then RI/Main Security Lines.

Enquiry revealed that HC (Exe.) Hemender Pal, No. 1198/SB while posted in Accounts Branch of Security Unit as dealing hand-III of lower subordinates had prepared the bill of 40% arrear of 6th Pay Commission in favour of Ct. Joginder, No. 7070/Sec., HC Bal Ram, No. 3578/Sec., HC Mathu Ram, No. 7102/Sec., Ct. Ajay Kumar, No. 4631/Sec., HC Hemender Pal, No. 4097/Sec. (himself) and HC Kanwar Pal, No. 4356/Sec. It clearly shows that the defaulter had prepared the double arrears of bills intentionally to gain unlawful monetary benefits which indicates his malicious intention in preparing the arrears bills twice. It was not an inadvertent act as he himself had been one of the beneficiary of double arrear.

After completion of Intermediate School Course successfully, his name was considered for admission to Promotion List D-II (Exe.) and regular promotion to the rank of ASI (Exe.) on officiating basis alongwith his counterparts but due to pendency of DE, his case was kept pending till the decision of DE vide PHQ's Notification No. 33634-733/CB-IV/PHQ dated 30.5.2012. His name was also brought

on the Secret List of officers of doubtful integrity w.e.f. 23.1.2013 for a period of three years by DCP/Vigilance vide order No. 1278-80/Vig.CA(AC-IV) dated 27.02.2013.

After evaluation of the evidence, the EO submitted his findings with the conclusion that the charge framed against the defaulter stands fully proved undoubtedly. The Disciplinary Authority heard the delinquent in OR on 01.04.2014 and awarded the punishment of forfeiture of two years approved service permanently for purpose of his further promotion or seniority vide order No. 1732-50/HAP(SB)(P-I) dated 11.04.2014. Appeal preferred against the punishment order dated 11.04.2014 was also rejected by the Appellate authority vide order dated 19.06.2014. His name was also brought on Secret List of doubtful integrity for a period of three years, from 23.01.2013 to 23.01.2016.

As per provision contained in Rule-7(ii) of the Delhi Police (Promotion & Confirmation) Rules, 1980, an officer on promotion list should maintain good conduct and efficiency. Any police officer whose name exists on promotion list, if found guilty of a misconduct of nature reflecting upon his character or fitness for responsibility or who shows either by specific acts or by his record as a whole that he is unfit for promotion to higher rank, his name can be removed from promotion list.

The award of above major punishment dated 11.04.2014 after induction of his name to Promotion List D-I (Exe.) w.e.f. 19.02.2010 shows that he failed to maintain good conduct and efficiency and, thus, not fit to shoulder higher responsibility in the rank of Asstt.Sub-Inspector. Accordingly, he was issued a Show Cause Notice in accordance with Rule-7(ii) of Delhi Police (Promotion & Confirmation), Rules, 1980 vide this Hdqrs. No. A-1/3(IV-1)/2012/14163/CB-IV/PHQ dated 14.03.2016 proposing therein to remove his name from Promotion List D-I (Exe.) w.e.f. 19.02.2010.

The HC submitted his reply to the said Show Cause Notice through DCP/7th Bn.DAP stating therein that he has been awarded punishment illegally vide order dated 11.4.2014. His appeal has also been illegally dismissed by the Appellate Authority vide order dated 19.6.2014. Hence, he has filed an OA No. 3455/2014 in the Hon'ble Central Administrative Tribunal. His case to decide the SCN was kept pending till the decision of OA in CAT. DCP/7th Bn.DAP vide office letter No. 5552/SIP(SC)/7th Bn.DAP dated 30.5.2018 intimated that the OA No. 3455/2014 filed by HC (Exe.) Hamender Pal, No. 490/W, 8029/DAP (28822927) has been dismissed by the Hon'ble CAT vide judgement dated 15.9.2017.

I have carefully gone through the SCN issued to HC Hemender Pal, the punishment order as well as the reply submitted by the HC. I have also heard him in O.R. on 9.7.2018. During the personal hearing he had nothing more to add/justify his actions other than what he has stated in his reply. The major punishment of forfeiture of two years approved service permanently for purpose of his further promotion or seniority vide order No. 1732-50/HAP(SB)(P-I) dated 11.04.2014 by the Disciplinary Authority. Appeal preferred against the said impugned punishment order dated

11.04.2014 was also rejected vide order dated 19.06.2014 by the Appellate authority. His name was also on Secret List for a period of three years from 23.01.2013 to 23.01.2016. Besides, his OA No. 3455/2014 has also been dismissed in the Hon'ble CAT.

In view of the above, it is crystal clear that the award of major punishment after induction of name to the Promotion List D-I (Exe.) and name of Secret List, which shows that he is unfit to hold higher post/responsibility. As such, the Show Cause Notice dated 14.03.2016 issued to HC (Exe.) Hemender Pal, No. 1198/SB, 8029/DAP, 531/Sec. (PIS No. 28822927) (Now ASI/Spl.Grade) is confirmed and his name is hereby removed from Promotion List D-I (Exe.) w.e.f. 19.02.2010.

17/7/18

(BENITA MARY JAIKER)IPS
DEPUTY COMMISSIONER OF POLICE
ESTABLISHMENT :: DELHI.

No.A-1/3/(IV-1)/2012/ 39527-32 /CB-IV/PHQ dated Delhi the 17/7 /2018.

Copy to:-

1. DCP/Security with one spare copy to deliver the HC (Exe.) (Now ASI/SG) Hemender Pal, No. 1198/SB, 8029/DAP, 531/Sec. (PIS No. 28822927) against his proper receipt which may be kept in his Fauzi-Missal and a copy thereof also be sent to this Hdqrs. for record.
2. Inspector Estt./PHQ for publication in Delhi Police Gazette.
3. ACs-II, VIII, Computer & Record in CB/PHQ.
4. Insp. P/Branch/PHQ for information.

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