

**Balbir Singh Vs. Ram Pal**

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**Court :** Delhi

**Decided On :** Jul-12-2011

**Judge :** Pradeep Nandrajog; Sunil Gaur, Jj.

**Appeal No. :** W.P.(C) 2579/1998

**Appellant :** Balbir Singh

**Respondent :** Ram Pal

**Judgement :**

1. Proceeding departmentally and issuing a charge sheet upon the petitioner it was alleged that while on 'A' shift duty at Gate No.10 on 13.2.1995, petitioner was found to be in possession of an excess amount. Second charge was of accepting illegal gratification while on duty; as per charge No.1.
2. Charge sheet dated 22.3.1995, was replied to by the petitioner, he denied the charges.
3. Inquiry officer was appointed.
4. Inquiry officer submitted a report holding both the charges to be proved. Petitioner was supplied the findings of the inquiry officer for his response, which he did, and considering the response the Disciplinary Authority concurred with the findings of the inquiry officer and awarded the penalty of dismissal from service. Statutory appeal filed has been rejected.

5. Suffice would it be to note that the evidence which emerges is the declaration of the petitioner when he was reported to duty by making a GD entry with respect to cash he was carrying and proof of the fact that during duty hours he was found to be in possession of cash in excess by `34/-. The obvious presumption would be that this amount was received by the petitioner as illegal gratification.

6. We note that the statement of a truck driver was recorded at the spot as per which he had paid bribe to the petitioner.

7. We note that the truck driver could not be examined at the inquiry.

8. Be that as it may, since none appear on behalf of the petitioner, the writ petition is dismissed in default.

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