



**Central Administrative Tribunal
Principal Bench**

OA No. 554/2016

New Delhi, this the 5th day of February, 2020

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Ex. HC Anoop Singh, Age-45 years
S/o Sh. Hoshiar Singh
R/o Vill. & PO-Gubhana, PS Sadar Bahadurgarh
Distt. Rohtak, Haryana.

...Applicant

(By Advocate : Mr. Sachin Chauhan)

Versus

1. Govt. of NCTD through
The Chief Secretary
Govt. of NCTD
A-Wing, 5th Floor, Delhi Secretariat, New Delhi – 110113.
2. The Commissioner of Police
Delhi Police, PHQ, I.P. Estate, New Delhi.
3. The Joint Commissioner of Police
Central Range
Through the Commissioner of Police, PHQ, I.P. Estate, New Delhi.
4. The Addl. Dy. Commissioner of Police
Central District
Through the Commissioner of Police, PHQ, I.P. Estate, New Delhi.

..... Respondents

(By Advocate : Mr. Amit Anand)

ORDER (ORAL)

Mr. S.N. Terdal :

Heard Mr. Sachin Chauhan, counsel for applicant and Mr. Amit Anand,
Counsel for respondents, perused the pleadings and all the documents.

2. The relief prayed in this OA are as follows :

- “i) To quash and set aside the impugned order dated 14.08.2012 whereby the major punishment of dismissal from service is imposed upon the applicant and order dated 06.01.2015 (received on 27.02.2015) whereby the appeal of the applicant has been rejected by Appellate Authority and to further direct

ii) To quash and set-aside the rule 11 (1) of Delhi Police (Punishment and Appeal) Rules 2011 amended vide notification dated 30.11.2011.

iii) Any other relief which this Hon'ble Court deems fit and proper may also awarded to the applicant."

6. The counsel for the respondents submitted that the applicant is not prosecuted and punished twice. Unless the applicant is prosecuted and as a consequence of that prosecution punished once and thereafter if he was sought to be prosecuted once over again on the same set of facts and as a consequence of second prosecution if he sought to be punished once over again then only he can seek the protection of Article 20(2) of the Constitution. In view of the facts narrated above, the applicant is not prosecuted twice as stated above.

“20. Protection in respect of conviction of offences:-

(2) No person shall be prosecuted and punished for the same offence more than once.”

7. In view of the facts and circumstances and analysis made above, we are of the opinion that the impugned orders cannot be interfered with.

8. Accordingly, OA is dismissed. No order as to costs.”



3. In view of the order dated 12.12.2018 extracted above, this OA is dismissed.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(S.N. Terdal)
Member (J)

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