



**Central Administrative Tribunal  
Principal Bench**

**OA No. 554/2016**

New Delhi, this the 5<sup>th</sup> 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, 5<sup>th</sup> 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



the respondent that applicant be reinstate back in service forthwith with all consequential benefits including seniority and promotion and pay and allowances.

- 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.

or/and

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

3. At the time of hearing, Counsel for the respondents brought to our notice Tribunal's order dated 12.12.2018 passed in OA No. 1155/2013 where in an identical issue was dealt with. Considering all the aspects , this Tribunal in the aforesaid order, dismissed the OA. The relevant portion of the order dated 12.12.2018 is extracted below:

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.

The relevant portion of the Article 20 (2) of the Constitution of India is extracted below:-

**"20. Protection in respect of conviction of offences:-**

(1) xx xx

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

The counsel for the respondents further submitted that the applicant has not challenged the above said Rule 11 (1). The respondents have exercised the obligation enjoined upon them under Rule 11 (1) and as such the applicant cannot challenge the impugned order so long as the Rule 11 (1) is existing.

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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