

Central Administrative Tribunal  
Principal Bench

OA No. 1657/96

New Delhi, this the 8th day of August, 1996

Hon'ble Mr. Justice A.P. Ravani, Chairman -  
Hon'ble Mr. R.K. Ahooja, Member (A)

Constable Harsikandar,  
bearing batch No. 11820/DAP  
residing at D-43, New Police Lines,  
Kingsway Camp,  
Delhi - 110 009. .... Applicant  
By Advocate: Shri Shekhar & Associates,

- Versus -

1. Commissioner of Police,  
Headquarter, I.T.O.,  
New Delhi - 110 002.
2. Deputy Commissioner of Police,  
10th Bn. DAP,  
Delhi. .... Respondents.  
(By None)

ORDER (Oral)

By Hon'ble Mr. Justice A.P. Ravani, Chairman -

The contention of the applicant's counsel that the charges in disciplinary enquiry in relation to an incident of March 20, 1996 and the charge in the criminal case for alleged offence under Section 307 of I.P.C. against the applicant are identical, has no merit. Reasonable reading of the charge order (Annexure 'A') dated 17.7.1996 is that the applicant is charged for the alleged misconduct of remaining absent from duty from May 1, 1996 to June 4, 1996 and for concealing the fact regarding his involvement in a criminal case. To read <sup>impugned order as</sup> annexure - 'A', in any manner so as to include the charge as regards the involvement of the applicant in a criminal case registered vide FIR No. 140/96 dated 2.5.1996 at Mukherjee Nagar Police Station for alleged offence <sup>would</sup> under Section 307 IPC, ~~to say the least~~ <sup>seems to</sup> be unreasonable.

In view of the position explained above, the very basis of the applicant that the departmental enquiry and criminal case are based on identical charges, cannot be accepted. There is no substance in the application. Hence, the O.A. is disposed of *mtb* ~~as~~ rejected.

*R.K. Ahooja*  
(R.K. Ahooja)

Member (A)

*A.P. Ravani*  
(A.P. Ravani)

Chairman

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