

Central Administrative Tribunal
Principal Bench: New Delhi

OA 263/97

New Delhi this the 9th day of September 1997.

Hon'ble Dr. Jose P. Veerghese, Vice Chairman (J)
Hon'ble Mr K. Muthukumar, Member (A)

ASI Pritam Das
No. 1200 Delhi Police Station
Kamla Market
New Delhi.

...Applicant

(By advocate: Mr S.C. Sharma)

Versus

1. Commissioner of Police
Delhi Police
Police HQrs., I.P. Estate
New Delhi.
2. Addl. Dy. Commissioner of Police
Central District
New Delhi.
3. Mr Gurmukh Singh, ACP/Opr-C
Central District
New Delhi.

...Respondents

(By advocate: Mr S.K. Gupta, proxy for Mr Amresh Mathur)


O R D E R (oral)


Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

The allegation in this OA is that the petitioner has been served with a charge-sheet dated 11.3.97 while a criminal case is pending against him on the same charge. We have perused both the charge-sheet as well as the pending criminal case and we find that the charge in the criminal case relates to an incident that took place on 8.6.96 wherein preventive action was taken under Section 107/150 Cr.PC and the said action has now come to a conclusion. Similarly, the second incident took place on 8.6.96 itself. The third incident took place on 9.6.96 wherein the petitioner had trespassed into the house of one Mr Rakesh Kumar. The charge-sheet now issued is with reference to all the three incidents.

7

Since the incident that took place on 9.6.96 is also the subject matter of the criminal trial, the charge-sheet to the extent of the said incident on 9.6.96 may proceed to be continued till the stage of cross-examination of the witnesses, since in the facts and circumstances of the case we find that the same will prejudice the criminal trial pending against the petitioner. As far as the two other incidents, referred to in the charge-sheet, are concerned, respondents are at liberty to continue with the disciplinary proceedings and the petitioner shall cooperate with the proceedings that has been initiated against him by order dated 11.3.97. With these orders, the OA is disposed of. No costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

aa.