

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1289/93

Date of decision: 16.09.1993.

Shri Surinder Singh

...Petitioner

Versus

Union of India through the
Commissioner of Police, Delhi
and Others

...Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri A.S. Grewal, Counsel.

For the respondents

Shri Virender Mehta, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

We have heard Shri A.S. Grewal and Shri Virender Mehta, learned counsel for the petitioner and the respondents respectively.

2. The petitioner is involved in a criminal case and has been charged in criminal proceedings under Section 223 of the Indian Penal Code that being a public servant he failed in his legal duties in keeping the person in the lawful custody, as was incumbent on him and due to his negligence the accused person escaped from confinement. The respondents have also served a chargesheet on him for dereliction of duty, as he failed to observe the procedure prescribed for keeping the person under custody, such as keeping the accused in the police lock up. In our opinion, the contents of the two charges viz. in the criminal proceedings and in the disciplinary proceedings are separate and vary both in quality and content.

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3. In view of the above facts and circumstances of the case, we are not inclined to interfere in the matter. The petitioner, however, shall not be precluded from agitating the matter, if so advised, in accordance with law, if he feels aggrieved after the final orders are passed.

4. The O.A. is disposed of, as above, at the admission stage itself. No costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER(J)

San.

I. K. Rasgupta

(I.K. RASGUPTA)
MEMBER(A)