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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 2598/93

New Delhi, dated the 14th July, 1994

Hon'ble Sh. N.V. Krishnan, Vice Chairman (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. Jasbir Singh
R/o V.Bn. DAP Lines,
Kingsway Camp, Delhi

... Applicant

(By Advocate Sh. A. Kalia)

V/s

1. The Commissioner of Police,
PHQ I.P. Estate, New Delhi

2. The Dy. Commissioner of Police,
V Bn. DAP, Delhi

... Respondents

(By Advocate Sh. Anoop Bagai)

O R D E R (O R A L)

(Hon'ble Sh. N.V. Krishnan, Vice Chairman (A))

Applicant, a constable in the Delhi Police, has been ordered to face a Disciplinary Enquiry (Am.A.1 dated 9.11.93) on the charges, given in the Am.A.4 summary of allegations. He submits that he is also involved in a criminal case registered as FIR 50/93 under sections 324/34 I.P.C., in which the charge has already been framed by the Judicial Magistrate on 1.7.93 (Am.A.3). It is, therefore, prayed that Disciplinary proceedings initiated be held in abeyance till the criminal case is concluded.

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2. Respondents have filed a reply contesting the case. It is stated in reply to para 4.4. of the O.A. that the Disciplinary Enquiry against the applicant has been initiated on the allegation of his threatening the complainant after release on bail and not for the same charges as in the criminal case. Hence this case has no merit.

3. We have considered this matter. The summary of allegation at Am.A.4 reads as follows:-

"One Sh. Vikram Pal S/o Sh. Rattan Singh Vill and P.O. Ladpur Teh. Jhajjar, Distt. Rohtak (Haryana) submitted an application against you Const. Jasbir Singh No. 4861/DAP alleging there in that on 28.1.93 at about noon, you Const. Jasbir Singh No. 4861/DAP with the help of your father and younger brother made an attempt to Murder to the complaint due to which the complainant received injuries consequently F.I.R. was lodged in the Police Station, Bahadurgarh Haryana and you Const. Jasbir Singh No. 4861/DAP were arrested in the said case FIR 324/34 IPC p.s. Bahadurgarh Haryana. After releasing on bail you Const. Jasbir Singh No. 4861/DAP are threatening to the complainant Sh. Vikram Pal with dire consequence.

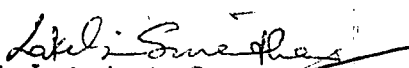
The above act on the part of you Const. Jasbir Singh No. 4861/DAP amounts to gross misconduct and unbecoming a police officer which renders you Const. Jasbir Singh No. 4861/DAP liable to be dealt with departmentally under the Delhi Police (Punishment and Appeal) Rules, 1930."

The real charge against the applicant in the Disciplinary

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Enquiry proceedings is contained in the last sentence of para 1 of the summary of allegation which we have emphasized. This allegation is not contained in the charge framed by the Judicial Magistrate Ann.A.3. The learned counsel for the respondents clarifies that in the Disciplinary Enquiry, no attempt will be made to prove the allegations in the first para of Ann.A.4 other than the emphasized portion.

4. In view of this clarification, we are satisfied that there should be no objection to the continuance of the disciplinary proceedings. Therefore, we dismiss this O.A. noting this clarification, and the undertaking of the respondents that the Disciplinary proceedings will be continued only respect of the charge contained in the last sentence of para 1 of the Ann.4 summary of allegations.


(Smt. Lakshmi Swaminathan)

Member(J)

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(N.V. Krishnan)

Vice Chairman(+))