

## Central Administrative Tribunal Principal Bench

OA-3823/2016

**New Delhi, this the 21<sup>st</sup> day of March, 2018**

**Hon'ble Mrs. Jasmine Ahmed, Member (J)  
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Constable Adesh Kumar Tyagi,  
PIS No. 28911795, Belt No. 5294/T (now 7729/PCR),  
S/o Late Sh. Sharmanand Tyagi,  
R/o House No. 1092, Arvind Nagar,  
Gali No. 15, Hapur, UP  
Aged around 45 years,  
Group-C  
Presently posted at :  
Police Control Room.

... Applicant

(through Sh. Sourabh Ahuja)

## Versus

1. GNCT of Delhi,  
Through Chief Secretary,  
Delhi Secretariat, New Delhi.
2. Commissioner of Police,  
Police Head Quarters, IP Estate,  
MSO Building, New Delhi.
3. Additional Commissioner of Police, (Traffic),  
Through Commissioner of Police,  
Police Head Quarters, IP Estate,  
MSO Building, New Delhi.
4. Deputy Commissioner of Police, (Traffic),  
Northern Range,  
Through Commissioner of Police,  
Police Head Quarters, IP Estate,  
MSO Building, New Delhi.
5. Deputy Commissioner of Police, (Vigilance),  
Through Commissioner of Police,  
Police Head Quarters, IP Estate,  
MSO Building, New Delhi.

(through Sh. Vijay Kumar Pandita)

**ORDER(ORAL)****Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Learned counsel for the applicant states that charge memo issued to the applicant is vague as no pin pointed allegation is made out from the charge memo served to him. The learned counsel for the respondents, Sh. Vijay Kumar Pandita argued and has also stated in the counter affidavit that while the charge memo was read out to the applicant, he replied in positive about his understanding of the charges. Hence, it cannot be said that the charge memo is vague qua the applicant.

2. We have heard learned counsel for the parties and perused the documents. The applicant has relied his arguments on the judgment passed by this Tribunal in OA No. 4196/2013 decided on 17.05.2016 wherein we find that the issue is identical with the case in hand. Accordingly, as an identical issue stands adjudicated by a Coordinate Bench, keeping in mind judicial propriety, we quash and set aside the charge sheet dated 29.08.2012, findings dated 14.11.2012, final order dated 03.04.2013 and appellate authority order dated 08.01.2016 as not sustainable. The applicant will be entitled to all consequential benefits. It is, however, made clear that the respondents will have liberty to proceed against the applicant, if so advised, by serving on the applicant an appropriate show cause notice in accordance with rules and law. No costs.

**(Uday Kumar Varma)**  
**Member (A)**

**(Jasmine Ahmed)**  
**Member (J)**

/ns/