

**Central Administrative Tribunal  
Principal Bench**

**OA No.2540/2012  
MA No.2364/2012**

New Delhi, this the 16<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

K.N. Sharma, Additional Director General  
Bureau of Police Research &  
Development (BPR & D), Block No.11  
3<sup>rd</sup>/4<sup>th</sup> Floor, CGO Complex  
Lodhi Road, New Delhi-110003. ....Applicant

(Through Advocate: None)

Versus

1. Union of India  
Through Secretary  
Government of India  
Ministry of Home Affairs  
North Block, Central Secretariat  
New Delhi-110001.
2. State of Gujarat through its  
Additional Chief Secretary  
Government of Gujarat  
Home Department, New Sachivalaya  
Gandhinagar. ....Respondents

(By Advocates: Shri R.K. Jain and Shri Gyanendra Singh)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy:-**

The applicant is an IPS Officer of 1976 batch of Gujarat cadre. This OA is filed in relation to his

empanelment in the rank of DGP as per the position that existed in March, 2010.

2. The plea of the respondents was that the applicant was not empanelled on account of pendency of a charge sheet. During the course of hearing of the OA, it was noticed that OA No.48/2011 filed by the applicant challenging the charge sheet dated 14.12.2009 and claiming certain other reliefs, was allowed through Order dated 07.04.2011 and the charge memo dated 14.12.2009 was set aside, and that, the State filed Writ Petition No.2735/2011.

3. In view of the pendency of the Writ Petition, the OA was adjourned *sine die* through order dated 20.02.2015.

4. Since this is one of the oldest OA, we have taken up the matter for hearing and to verify the present state of affairs. We heard Shri R.K. Jain and Shri Gyanendra Singh, learned counsel for the respondents.

5. The relief claimed in the OA could not be granted on account of issuance of a charge sheet. The charge sheet no doubt was set aside by this Tribunal in OA

No.48/2011 through its Order dated 07.04.2011. However, the same is under challenge before the Hon'ble Delhi High Court in WP(C) No.2735/2011. As of now, the Writ Petition is said to be listed for hearing on 19<sup>th</sup> July, 2019. Depending upon the outcome of the Writ Petition, the applicant may approach the Tribunal. There is no point in keeping the OA pending.

6. We, therefore, dispose of the OA, leaving it open to the applicant to pursue the remedies depending on the result that may ensue in Writ Petition No.2735/2011.

7. All the pending MA(s) also stand disposed of. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member(A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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