ANNEXURE- P-8 (34) P8 (69)

CONFIDENTIAL

Dated 20th March 2009.

From

Govind Ram, DANICS,
Executive Secretary, AAJVS/
Asstt. Commissioner,TW (U/S),
R/o Lamba Line,
Port Blair.

To

The Chief Secretary,
A & N Administration,
(The Disciplinary Authority),
Secretariat,
Port Blair.

(Through the Secretary, TW, A & N Admn.)

Sub:- Initiation of disciplinary proceeding - Submission of written statement of defence – reg.

Ref:- Charge memo No. 79-322/98-PW (PF) dated 2nd March 2009.

Sir,

I acknowledge the receipt of the charge memo under reference on 12th March 2009.

I do not admit the article of charge (single charge) framed against me therein. I would, therefore, like to be heard in person.

In this connection I am to further submit that it emerges from the statement of the article of the charge and the imputations of misconduct set out vide the charge memo under reference in its annexure I & II that they are drawn from the substance/material of the case crime No.835/08 dated 07.10.2008 U/s 342/354 IPC of Police Station, Aberdeen meant for criminal proceedings in a Criminal Court. Thus the charge framed against me in the disciplinary proceedings is solely relied upon the criminal charge against me. As such, if the disciplinary proceeding precedes the criminal case, I may be forced to disclose many facts in my defence before the Inquiry Authority in the disciplinary proceeding which may be seriously detrimental to my line of defence in the criminal case later on. In this context I would invite your gracious attention to the case law cited as Om Prakash –V- UOI and others (1993) 23 ATC (Jodhpur), date of judgment 10.7.1992, wherein it has been held that the disciplinary proceedings could generally be stayed till the disposal of the criminal case on the following circumstances:-

(a) that the accused is likely to be prejudiced in the defence of his criminal case by giving the statement or evidence or doing any act which may result adversely in the criminal case.