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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010390702026

+ **W.P.(C) 12175/2026 & CM APPLs. 56386-56387/2026**

AJAY SINGH BIRLA

.....Petitioner

Through: **Mr. Sumit Rana and Mr. M. D. Miskeen, Advocates.**

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.08.2026

1. The Petitioner was appointed as a Civil Defence Volunteer in the year 2008. He assails the order dated 4th April, 2026, whereby he was dismissed on account of FIR No. 140/2018 registered at Police Station Neb Sarai, under Sections 376 and 506 of the Indian Penal Code, 1860.
2. Counsel for the Petitioner submits that, prior to the passing of the impugned order, the Petitioner stood acquitted in the aforesaid FIR *vide* judgment dated 28th March, 2026, passed by the Additional Sessions Judge (SC-RC), South District, Saket Courts, Delhi. It is further submitted that the said fact was brought to the notice of the authorities in the appeal preferred by the Petitioner; however, the appeal came to be rejected on the ground of limitation, without consideration of the effect of the acquittal.
3. In view of the aforesaid circumstances, this Court is of the view that



the factum of the Petitioner's acquittal, which preceded the order dated 4th April, 2026, warrants consideration by the competent appellate authority, particularly since the impugned order appears to have been premised upon the registration of the aforesaid FIR.

4. Accordingly, the order dated 13th July, 2026 passed by Respondent No. 3, whereby the Petitioner's appeal was rejected on the ground of limitation, is set aside. The matter is remanded to the Divisional Commissioner for fresh consideration. The Divisional Commissioner shall consider the Petitioner's appeal on merits, including the effect of the judgment of acquittal dated 28th March, 2026, and pass a reasoned and speaking order in accordance with law.

5. It is clarified that this Court has not expressed any opinion on the merits of the Petitioner's claim. All rights and contentions of the parties are left open.

6. The petition, along with the pending applications, stands disposed of in the above terms.

SANJEEV NARULA, J

AUGUST 20, 2026/hc