



2026:DHC:7424-DB



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

CNR No. DLHC010856902024

+ **W.P.(C) 16418/2024, CM APPL. 69336/2024**

MUNICIPAL CORPORATION OF DELHI

.....Petitioner

Through: Dr. Divya Swamy, SC with Mr.
Yagyawalkya Singh, Ms. Nidhi Kumar and
Ms. Akriti Singh, Advs.

versus

D V SINGH

.....Respondent

Through: Mr. Sachin Chauhan and Ms.
Ridhi Dua, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

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24.08.2026

C.HARI SHANKAR, J.

1. The respondent, who was working as Junior Engineer (Building), HQ in the Municipal Corporation of Delhi¹, was arrested in connection with RC 4(A)/96-DLI registered under Section 7 read with Section 13(2) and 13 (1)(d) of the Prevention of Corruption Act, 1988², by P.S. CBI/A.C. Branch. Consequent to his arrest, he was placed under deemed suspension with effect from 16 January 1996 by the Additional Commissioner (Engg.).

¹ "MCD", hereinafter
² "the PC Act" hereinafter



2. Criminal proceedings followed, in which, by judgment dated 18/21 January 2000, the respondent was convicted by the learned Special Judge for having committed offences punishable under Sections 7 and 13(2) read with 13(1)(d) of the PC Act. He was sentenced to two years rigorous imprisonment with a fine of ₹ 10,000/- and default simple imprisonment of six months under Section 7 and two years rigorous imprisonment with an identical punishment under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

3. The respondent filed Crl. App. 47/2000 against the said decision. By judgment dated 29 November 2018, this Court allowed the appeal. We deem it appropriate to reproduce the following paragraphs from the judgment of this Court:

“7. The submissions of both sides have been heard and the record has been carefully perused. There are some glaring deficiencies, gaps and discrepancies in the evidence on which account serious doubts arise as to the extent of the truthfulness of the prosecution case against the appellant. This may be elaborated hereinbelow.

8. In the complaint on which the FIR was registered by the CBI, there is no reference to the status of the application for sanction of the building plan. The complainant (PW-1), while deposing in the court was also conspicuously silent on this during his chief-examination. The relevant file of the application of his wife for sanction of building plan (Ex. PW3/B) had been seized during the investigation that followed after the trap. This file contains (at page 43/C), a document (Ex. PW1/DA) on which signatures of PW-1 would appear at the bottom – encircled portion at point ‘A’. PW-1 was confronted with this document, during his cross-examination, when he conceded that he had appended the said signatures on the said document in the relevant file on 18.01.1996 at the time of he being handed over the sanction of the



building plan duly accorded and issued.

9. There is no explanation worth the name in the court testimony of PW-1 as to why there would still be a demand for illegal gratification if the official duty for purpose of which such money had been demanded, had already been carried out. Though there was some indication in the complaint that the appellant had extended threats that he would cause obstruction to the construction work if money was not paid, PW-1 is totally silent in such regard in his court testimony. Without facts of such threats having been testified, mere allegations at some earlier stage cannot be treated as the gospel truth.

10. PW-2 was the shadow witness who was supposed to be with the complainant at the time of the trap. Undoubtedly, he would speak about this on the lines of prosecution story. But then, the demand followed by handing over of the trap money to the appellant may not have possibly taken place within his ear shot or within his view. This is brought out by the sequence of events narrated not only by the said witness (PW-2) but also by the complainant (PW-1). Both of them speak about the appellant having gone to the room of his superior, Assistant Engineer (AE) where the demand was reiterated and the money passed on, it statedly pocketed by the appellant while he was still inside the room of the AE. Though PW-1 would state that the shadow witness (PW-2) was behind him, adding at one stage that he was within the room of the AE, PW-2 would contradict him and show otherwise. As per the version of PW-2, he was at least one and half yards away from the door of the room of the A.E. From the manner in which he testified, it is clear that he was present not inside but outside the room. The possibility of the entire exchange being witnessed cannot be assumed in this scenario.

11. More than the above, the sequence of events narrated by PW-1 with regard to what happened after the money had statedly been taken over by the appellant renders a fatal blow to the prosecution case. As per the PW-1, after the money had been handed over and the predetermined signal had been given, the appellant was apprehended in the presence of the shadow witness (PW-2) and panch witness (PW-4). The appellant had allegedly taken out the trap money from his pocket and thrown it on the floor. He added that, at that stage, PW-2 and PW-4 had picked up the trap money from the ground and put it back into the pocket of the trouser of the appellant questioning him as to why he was throwing the money and rather he should keep it in his pocket. Though the TLO and the other witnesses would not say so, the evidence of PW-1 to this effect cannot be ignored. The fact that the trap money was forced into the pocket of the appellant by the two



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panch witnesses gives rise to the probability that the money had been thrust upon him. At any rate, it renders the result of hand wash or pocket wash meaningless.

12. In the above facts and circumstances, the benefit of doubt will have to be extended to the appellant. In the result, the appeal is allowed. The impugned judgment and the order on sentence are set aside. The appellant is acquitted. The bail bonds are discharged.”

4. A Special Leave Petition, preferred against the said decision, was also dismissed by the Supreme Court.

5. In the interregnum, by order dated 13 March 2001, the respondent was dismissed from service.

6. Consequent to his acquittal by this Court, the respondent represented to the Additional Commissioner (Engg.) for being reinstated in service. Consequential benefits were also sought. As there was no response, the respondent approached the Central Administrative Tribunal³ by way of OA 2292/2019, which was disposed of, by the Tribunal, by order dated 2 September 2019 with a direction to the petitioner to take a decision on the respondent's representation. After the respondent re-approached the Tribunal in contempt, the petitioner, by order dated 12 December 2019, reinstated the respondent in service. No decision was, however, taken with respect to the back wages payable to the respondent for the period from 16 January 1996 till 13 March 2001, when the respondent remained under suspension or for the later period after 13 March 2001 till 12 December 2019, when he remained out of service.

Signature Not Verified³ “the Tribunal”, hereinafter

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7. This caused the respondent to re-approach the Tribunal by way of OA 1443/2020, which was again disposed of with a direction to the petitioner to take decision on the respondent's representation. There was no compliance with the order, resulting in the respondent having to again move the Tribunal by way of CP 4/2021, whereafter the petitioner rejected the respondent's representation by order dated 16 February 2021.

8. Aggrieved thereby, the respondent approached the Tribunal, yet again, by way of OA 2046/2021.

9. The said OA has been allowed by the Tribunal by judgment dated 23 April 2024, under challenge in the present writ petition.

10. We have heard Dr. Divya Swamy, learned Standing Counsel for the petitioner and Mr. Sachin Chauhan, learned Counsel for the respondent at considerable length.

11. By the impugned judgment, the Tribunal has directed full pay and allowances to be paid to the respondent for the period of his suspension from 16 January 1996 to 13 March 2001 and 50% of his pay and allowances to be paid for the period after the order of dismissal from service till the order of reinstatement.

12. In arriving at the said decision, the Tribunal has relied *inter alia* on FR 54.

13. Dr. Swamy contests the correctness of the impugned order by

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submitting that the acquittal of the respondent by this Court was an acquittal on benefit of doubt and cannot be treated as an honourable acquittal, as would justify the respondent to full pay and allowances for the period during which he remained under suspension. Equally, she submits the Tribunal was not justified in directing payment for the period during which the respondent was dismissed from service as he has rendered no services during the said period.

14. This is a somewhat peculiar case in which the respondent's dismissal from service was effected under Article 311 (2)(a) of the Constitution of India, based on his conduct leading up to his conviction. No disciplinary proceedings were ever initiated against the respondent. In so far as the respondent's conviction is concerned, from para 12 from the judgment dated 29 November 2018 passed by this Court in Crl App 47/2000, it is clear that the respondent was entirely acquitted in the proceedings. This Court has gone to the extent of holding that there were serious doubts regarding the veracity of the case of the prosecution.

15. Though this Court has, in the concluding paragraph, employed the expression, "benefit of doubt", the Supreme Court has held in *Ram Lal v. State of Rajasthan*⁴, that the words "benefit of doubts" and "honourable acquittal", etc., are not magic incantations and that the Court has to go by the body of the order of acquittal in order to decide whether it is a complete acquittal or acquittal in part. In so far as the present case is concerned, FR 54(2) does not employ the expression "honourably acquitted". The expression that is used is



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“fully exonerated”. In as much as the respondent’s dismissal was only on the basis of his conduct leading up to his incarceration and the respondent was entirely acquitted in the criminal proceedings by this Court, it has to be held that the respondent was fully exonerated.

16. In that view of the matter, the Tribunal was, in our view, correct in its opinion that, under FR 54(2), the respondent would be entitled to full pay and allowances for the period of his suspension.

17. In fact, applying the same provision, the respondent may have also been entitled to full pay and allowances for the period for which he remained out of his job because of his dismissal. Nonetheless, the Tribunal has, apparently with a view to balancing equities, granted only 50% of the pay and allowances to the respondent during that period.

18. The respondent has not challenged the order.

19. Accordingly, we see no reason to interfere with the impugned order of the Tribunal, which is upheld in its entirety. The writ petition is, accordingly, dismissed.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 24, 2026/aky