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

+ W.P.(C) 3785/2016

POOJA TANEJA

..... Petitioner

Through Shakeel Sarwar, Adv.

versus

THE STATE OF NCT OF DELHI AND ORS Respondents

Through Mr. Ankur Chhibber, Adv. for R3.
Mr. Dayan Krishnan, Sr. Adv. with
Counsel (appearance not given), Adv.
for R4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.07.2019

CM APPL. No.7101/2017

1. The petitioner has filed CM Appl. No.7101/2017, *inter alia*, being aggrieved by the charges framed against respondent no.4. It is the petitioner's contention that the charges framed against respondent No.4 have been deliberately diluted to describe their relationship as a live-in relationship and not a marriage, so as to absolve respondent no. 4 from the charge of bigamy. It is the petitioner's contention that respondent no.4 had entered into a second marriage with her and a charge clearly imputing the said conduct ought to have been framed.

2. Notice was issued in the said application and during the course of the proceedings, this Court was informed that an enquiry was held and

respondent no.4 had effectively been absolved of all charges. A status report was filed on behalf of respondent no.2 indicating that a vigilance enquiry was directed to be held against respondent no.4, who was working as S.H.O., Dwarka (North) at the material time. He was also removed from the said post and was posted to Anti Auto Theft Squad (South West District). The Vigilance Report confirmed that respondent no.4 had a relationship with the petitioner and also had a child from the said relationship. The report was put up before the Competent Authority and a show cause notice dated 23.06.2015 was issued to respondent no.4 calling upon to show cause as to why departmental action should not be initiated against him.

3. It was contended that a departmental enquiry was conducted against respondent No.4 and therefore, no further proceedings are required to be initiated against respondent No.4.

4. This Court had also perused the Summary of Allegation and also examined the order passed by the Joint Commissioner of Police (Western Range, Delhi). He had passed an order holding, *inter alia*, that there was no violation on the part of respondent no.2 in not informing the department regarding the transaction of ₹91 lakh, which respondent no.4 claimed had been paid to the petitioner.

4. After some arguments, learned counsel appearing for respondent no.2 states, on instructions, that the said order needs to be set aside and an enquiry would be held *de novo* on the charges against respondent no.4. He states that the charge alleging live-in relationship of respondent no.4 would be enhanced to a charge of entering into a second marriage and other

consequential offences. He states that the allegation regarding violation of CCS(CCA) Rules, 1965, in the context of payments made in cash shall be carefully examined.

5. Mr. Dayan Krishnan, the learned senior counsel appearing for respondent no.4, also states, on instructions, that respondent No.4 would voluntarily subject himself to a *de novo* enquiry on the said charges.

6. In view of the above, this Court is refraining from making any observations in respect of the order dated 02.11.2018 passed by the Joint Commissioner in view of the submissions made by the learned counsel, and the same is set aside.

7. Respondent no.2 will hold a *de novo* enquiry and complete the same within a period of six months from today. The Commissioner of Police shall also examine the manner in which the order dated 02.11.2018 was passed, and if necessary, initiate appropriate action in that regard.

7. The pending application is also disposed of.

VIBHU BAKHRU, J

JULY 23, 2019
DR