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

+ W.P.(C) 6248/2019 and CM APPL. 26775-26776/2019

MAHESH KUMAR SHARMA

..... Petitioner

Through: Mr. Samar Bansal, Mr. Manan
Shishodia & Mr. Devahuti Pathak,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND ANR..... Respondents

Through: Mr. Arun Birbal & Mr. Ajay Birbal,
Advocates for the respondent/ DDA.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

11.10.2019

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We have heard further submission of learned counsel for the parties in continuation of the earlier orders.

The aspect argued at some length by learned counsel for the petitioner is that looking to the evidence – on which petitioner's conviction is premised, 100% cut of pension and withdrawal of gratuity was not called for and the same is disproportionate. He submits that this aspect has not been gone into while imposing the said penalty upon the petitioner.

The petitioner stands convicted of serious charge involving moral turpitude under the Prevention of Corruption Act. In cases of corruption, zero tolerance has to be exhibited and there is no room for compassion. Compassion in such cases would be wholly misplaced. Corruption has

spread in our administrative system like a crippling disease. The only manner of dealing with the same is to come down with an iron hand to stomp all those indulging in corruption. Punishment is inflicted upon the delinquent employee not only to deal with the misconduct that the delinquent employee is found to have been indulged in, but also to serve as a deterrent on others, who may also be thinking of indulging in such misadventure.

However, we leave it to the petitioner to renew his request for pension and gratuity after the decision in the criminal appeal (in case he is acquitted), which is pending consideration before this Court.

We make it clear that we have not examined the merits of the petitioner's case regarding his conviction. The amount deposited by the petitioner in this Court in terms of our order dated 30.05.2019 shall remain in a Fixed Deposit, and after the disposal of the appeal, either party may move an appropriate application for disbursal of the said amount.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

OCTOBER 11, 2019

B.S.Rohella