

\$~27 [2021]

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

+ **LPA 394/2021**

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Date of decision: 27.10.2021

BALWAN SINGH

.....Appellant

Through: Mr. Yashpal Rangi, Adv.

versus

DELHI AGRICULTURAL MARKETING
BOARD AND ORS

..... Respondent

Through: Mrs. Avnish Ahlawat with Mr. N.K.
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Court hearing convened via video-conferencing on account of COVID-19]

RAJIV SHAKDHER, J. (ORAL):

1. This appeal is directed against the order dated 05.10.2021, passed by the learned single judge in W.P.(C.) 10112/2021.
2. The appellant was dismissed from service on 26.02.1999, on account of an allegation made against him that he was involved in embezzlement.
 - 2.1 It was alleged that, the appellant had embezzled Rs.6,36,341/-.
 - 2.2. It is for this reason that the respondent dismissed the appellant from service, albeit, without holding an inquiry. The respondent was of the view that, it was not practicable to hold an inquiry in respect of the aforementioned allegation.
 - 2.3. It now transpires that, in the criminal proceedings, the appellant has been acquitted, *via* order dated 17.07.2019, passed by the Metropolitan Magistrate-07, Dwarka Courts, Delhi.
3. Concededly, the appellant did not assail at the relevant time, the

course of action adopted by the respondent, of not holding an inquiry on the ground that it was not practicable to hold an enquiry in the circumstances obtaining in the matter at issue.

4. Since the order of dismissal was passed way back i.e. on 26.02.1999, the learned single judge deemed it fit in his wisdom, not to intercede in the matter.

5. Mr. Yashpal Rangi, who appears on behalf of the appellant, says that, in the normal course, the appellant would have superannuated in 2018.

5.1. Having regard to the aforesaid circumstances, Mr. Rangi says that, he would want to withdraw the appeal, and approach the concerned authority, for payment of compensatory allowance under Rule 41 of the Central Civil Services (Pension) Rules, 1972.

6. The appeal is, accordingly, dismissed as withdrawn.

6.1. Liberty is given to the appellant to make a representation under Rule 41 of Central Civil Services (Pension) Rules, 1972. In case, such a representation is made by the appellant, the same shall be dealt with by the concerned authority, as per the extant rules and law, applicable to the appellant.

7. The case papers shall stand consigned to record.

RAJIV SHAKDHER, J

TALWANT SINGH, J

OCTOBER 27, 2021/pmc

Click here to check corrigendum, if any