



\$~52

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 3898/2023

DELHI POLICE, THROUGH ITS COMMISSIONER AND ORS.

..... Petitioners

Through: Ms.Avnish Ahlawat, SC, GNCTD
with Mr.Nitesh Kumar Singh, Ms.Aliza Alam,
Ms.Laavanya Kaushik & Mr.Mohnish Sehrawat,
Advs.
versus

KANWAR SINGH

..... Respondent

Through: Dr.Manish Aggarwal, Ms.Namrata
Sharma & Ms.Rambha Singh, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

18.01.2024

CM APPL. 3281/2024 (directions)

1. This is an application filed by the respondent seeking to place on record a copy of order dated 30.11.2023 passed by the Metropolitan Magistrate-06, Central District, Tis Hazari Courts, Delhi, vide which he has been acquitted in case arising out of FIR No.210/2012, Police Station Civil Lines, Delhi.
2. From the record, we find that the only ground on which the impugned order passed by the Tribunal directing the petitioners to release the retiral benefits of the respondent, has been challenged before this Court, is that since criminal proceedings were pending against the respondent, no directions for release of his retiral benefits could have been passed.



3. In the light of the aforesaid, the respondent's prayer to place on record a copy of the decision, by which he now stands acquitted in the criminal case which was pending against him at the time of passing of the impugned order, the application deserves to be accepted. The application is, consequently, allowed and a copy of the decision dated 30.11.2023 filed alongwith the application is taken on record.
4. The application stands disposed of.

W.P.(C) 3898/2023

5. The present petition under Articles 226 and 227 of Constitution of India seeks to assail the order dated 16.11.2022 passed by the learned Central Administrative Tribunal (Tribunal) in O.A. No.1583/2019. Vide the impugned order, the learned Tribunal after rejecting the petitioner's plea that the respondent's retiral benefits could not be released on account of pendency of criminal proceeding against him, has directed the petitioner to release the said benefit within a period of eight weeks. The learned Tribunal had, however, granted liberty to the petitioners to take action under Rule 8 of the CCS (Pension) Rules, against the respondent in case of his conviction in the criminal proceedings.
6. Learned counsel for the petitioners submits that the impugned order is wholly perverse as no such directions for release of retiral benefits of the respondent could have been issued as long as criminal proceedings were pending against him especially since he was already being paid provisional pension. He, therefore, submits that the impugned order is liable to be set aside.
7. On the other hand, learned counsel for the respondent submits that



irrespective of the reasons given in the impugned order, now that the respondent stands acquitted in the criminal proceedings on which ground alone, the petitioners have assailed the impugned order, the petition deserves to be rejected.

8. Having considered the submissions of learned counsel for the parties, we are of the opinion that taking into account that the retiral benefits of the respondent were withheld only on account of pendency of criminal proceedings against him, in which he now stands acquitted, there is no reason as to why the petitioner ought not to release all his retiral dues. In the light of these changed circumstances, whereby the respondent stands acquitted in the criminal proceedings which were pending against him in respect of FIR No.210/2012, Police Station Civil Lines, Delhi, we do not deem it necessary to examine the correctness of the impugned order and dispose off the petition by directing the petitioners to release, within three weeks, all the retiral benefits of the respondent. It is however made clear that this Court has not expressed any opinion qua the findings of the impugned order.
9. The writ petition stands disposed of in the aforesaid terms.
10. The next date fixed in the matter stands cancelled.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 18, 2024

kk