



2024:DHC:7709-DB



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

Date of decision: 04.10.2024

+ **W.P.(C) 11751/2024**

GOVT OF NCT OF DELHI & ORS.

.....Petitioners

Through: Mr.Neeraj, SPC with
Mr.Vedansh Anand, GP and
Mr.Soumyadip Chakraborty,
Adv. with ASI Sanjay Kumar
Sharma and ASI Narender Kr.,
Pairivi Officer
Mr.K.D. Sharma, SPC for Non-
Caveator

versus

SATYA VART

.....Respondent

Through: Mr.Anil Singal, Adv.

+ **W.P.(C) 11841/2024**

DELHI POLICE THROUGH COMMISSIONER OF POLICE
& ORS.

.....Petitioners

Through: Mr.Neeraj, SPC with
Mr.Vedansh Anand, GP with
ASI Sanjay Kumar Sharma and
ASI Narender Kr., Pairivi
Officer

versus

PRAMOD KUMAR

.....Respondent

Through: Mr.Anil Singal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)



CM APPL. 48858/2024 (Exemption) in W.P.(C) 11751/2024
CM APPL. 49306/2024 (Exemption) in W.P.(C) 11841/2024

1. Allowed, subject to all just exceptions.

CAV 406/2024 in W.P.(C) 11751/2024
CAV 413/2024 in W.P.(C) 11841/2024

2. For the reasons stated in the applications, the same are disposed of.

W.P.(C) 11751/2024 & CM APPL. 48857/2024
W.P.(C) 11841/2024 & CM APPL. 49305/2024

3. These petitions have been filed challenging the Orders dated 04.03.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'CAT') in OA No.1199/2019 and OA No.1428/2019 respectively, disposing of the said petitions with the following directions:

*"5. From the aforesaid, it is apparent that there is no distinguishing fact in the present OA from the aforesaid OA No. 1428/2019 titled **Pramod Kumar Vs. Delhi Police & Ors.** Accordingly, the present OA is also disposed of in the same terms as OA No. 1428/2019 i.e. with a direction to the competent authority amongst the respondents to re-visit the impugned punishment order dated 18.05.2017 (Annexure-A/4) and Appellate order dated 07.02.2018 (Annexure-A/5) in respect of the present applicant by passing an appropriate reasoned and speaking order as expeditiously as possible and preferably within eight weeks of the receipt of a copy of this order."*

4. Briefly stated, it is the case of the petitioners that the respondents in these petitions had, while performing their duties at the Police Station Chitranjan Park, indulged in breach of duty for



extraneous considerations. For the same, disciplinary proceedings were initiated against them, which resulted in the award of punishment of their dismissal from service.

5. Aggrieved of the same, the respondents filed the above petitions before the learned CAT.

6. Simultaneously, the criminal proceedings had also been initiated against the respondents, which resulted in their acquittal *vide* Judgment dated 18.12.2023 passed by the learned Special Judge (PC Act) (ACB)-02, Rouse Avenue District Courts, New Delhi. Relying on the said acquittal, the respondents stated that in terms of Rule 12 of the Delhi Police (Punishment and Appeal) Rules, 1980 (in short, 'Rules'), the punishment awarded to the respondents in the disciplinary proceedings were liable to be reconsidered by the petitioners. The said plea found favour with the learned CAT in its Impugned Orders. Aggrieved of the said orders, the petitioners have challenged the same by way of the present petitions.

7. The learned counsel for the petitioners submits that it is settled law that disciplinary proceedings and criminal proceedings can, not only simultaneously go on, but merely because of the acquittal of the respondents in the criminal proceedings, it cannot be said that they cannot be proceeded against in a departmental inquiry, as the standard of proof is different in both the proceedings.

8. While there can be no doubt about the said principle, at the same time, in the present case, the learned CAT having taken note of Rule 12 of the Rules and the judgments that have been passed by the learned CAT interpreting the same, has held that an acquittal in a



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criminal case needs to be considered by the disciplinary authority by revisiting the punishment awarded to the delinquent employee.

9. Without expressing any opinion on the above, we dispose of these petitions by clarifying that in such reconsideration, the petitioners shall be free to keep in view all principles that are applicable to disciplinary proceedings and the effect of an acquittal on the same.

10. The petitions are disposed of with the above clarification. The pending applications also stand disposed of as infructuous.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 4, 2024/ns/DG

Click here to check corrigendum, if any