



2025:DHC:10096-DB



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

Date of decision: 13.11.2025

+ W.P.(C) 807/2020 & CM APPL. 2484/2020
THE COMMISSIONER OF POLICE AND ORS.

.....Petitioners

Through: Mr. Vijay Joshi, CGSC with
Mr. Kuldeep Singh, Adv.

versus

SHEOTAJ SINGH

.....Respondent

Through: Mr. Nishant Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 22.05.2019 passed by the learned Central Administrative Tribunal in O.A. No. 2879/2013, titled *Sheotaj Singh v. The Commissioner of Police & Ors.*, allowing the O.A. filed by the respondent herein and setting aside the initiation of departmental proceedings as well as the penalty imposed upon the respondent in pursuance of the same.

2. The brief facts giving rise to the present petition are that the petitioners initiated a departmental enquiry against the respondent on the basis of a complaint filed by one Mr. Sushil Kalra wherein it was alleged that in an old dispute between one Sushil Kalra and Sh. Haroon for possession of a plot, the respondent, even though a Divisional Officer of the concerned area for the last one year had



enquired into the complaints between the parties over the ownership of the plot and knowing the facts fully well about the complaints etc., had filed a status report in the Court of Sh. Sanjeev Aggarwal, learned Metropolitan Magistrate, Tis Hazari, on 18.10.2008, showing possession of the plot in favour of one Mr. Haroon, stating that he had seen his Jhuggi on the disputed plot for first time on 17.10.2008. It was further alleged that the respondent was in constant touch *via* his mobile phone with Sh. Haroon between 02.10.2008 to 31.10.2008, which proved his conduct doubtful.

3. The Disciplinary Authority, on receipt of the enquiry report, by an order dated 03.03.2011, imposed a punishment of forfeiture of one year approved service permanently entailing reduction of his pay from Rs. 10,840/- to Rs. 10,440/- for a period of one year. His suspension period from 01.01.2009 to 10.12.2009 was directed to be treated as period spent on duty. The Disciplinary Authority observed as under:

"I have carefully gone through the findings of the E.O., other material/evidence available on the record of D.E. file and written representation submitted by the defaulter ASI Sheotaj Singh NO. 4968/D. I have also heard him in O.R. It is also mentioned that in his written representation as well as in his oral submission he has mainly plead that the findings submitted by the E.O. are influenced by P.E. report of Sh. A.S. Dhaka and has supported Sh. A.S. Dhaka whenever Sh. A.S. Dhaka has deviated from the line of enquiry directed by his seniors. During the course of DE proceedings it has been proved that during the enquiry a Kalandra u/s 145 cr. P.C. was prepared by ASI Sheotaj Singh and he mentioned that the plot was disputed and on another side he filed a status report in complaint case No. 3318/01/08 in the Court in



which he mentioned that farmuda Begum W/o Sh. Haroon Khan is real owner of disputed plot. Both the reports are contradictory to each other and thus the defaulter ASI had favored one party i.e. Haroon Khan in civil nature case. Further as per deposition of the witnesses it has also been proved that he remained in touch with the alleged Haroon Khan on Mobile Phone No. 921369699 from 02.10.08 to 31.10.08. Therefore, I Surender Singh Yadav, Deputy Commissioner of Police, North Distt., Delhi, keeping in view the overall circumstances of the case feel inclined to take a lenient view and one year approved service of defaulter ASI Sheotaj Singh NO. 4968/D is hereby forfeited permanently entailing reduction on his pay from Rs. 10840/- to Rs. 10440/- for a period of one year. His suspension period from 01.01.09 to 10.12.09 will be treated as period spent on duty.”

4. Aggrieved thereby, the respondent filed an appeal which was dismissed by the appellate authority, again finding that the respondent had given contradictory reports with regard to the ownership of the disputed plot and in favour of one of the parties, namely Sh. Haroon Khan, in a case of civil nature and therefore, there was no reason to interfere with the punishment.
5. The respondent challenged the same before the learned Tribunal by way of the above O.A.
6. The learned Tribunal, taking note of the fact that the underlying dispute between Mr. Haroon and one Mr. Sushil Kalra was civil in nature and the allegations against the respondent were vague not leading to any finding of a misconduct, held that the order of punishment could not be sustained.
7. Aggrieved of the Impugned Order, the petitioners have filed the



present petition.

8. The learned counsel for the petitioners submits that in the present case, the petitioner had himself filed a Kalandra stating that there was a dispute over the ownership and possession of the plot in question. He later filed a status report in the complaint case, showing that Mr. Haroon was the owner of the plot and had constructed a Jhuggi on the same. It was also found that the respondent was in contact with Mr. Haroon on his mobile phone during the relevant period, thereby clearly showing that the report had been given for *mala fide* reasons.

9. He submits that the learned Tribunal has therefore, erred in interfering with the enquiry proceedings and the punishment awarded to the respondent.

10. We are unable to accept the above submissions of the learned counsel for the petitioners.

11. From a reading of the summary of allegation against the respondent, it would be evident that what is alleged against the respondent is that he had given a contradictory report in spite of being fully aware of the facts regarding the dispute over the ownership and possession of the plot of land between Sh. Sushil Kalra and Sh. Haroon.

12. It was also alleged that he was in contact with Sh. Haroon on his mobile phone between 02.10.2008 to 31.10.2008 and that this contact in itself was enough to show his *mala fide* intention and connivance with the Mr. Haroon. We however, are unable to accept that the above allegations are sufficient to constitute a 'misconduct',



which is precondition for any disciplinary action. Filing of a report or being in contact with one of the parties can itself not be sufficient to impute 'misconduct' on the part of the respondent.

13. The learned Tribunal has rightly held that the underlying dispute between Sh. Sushil Kalra and Sh. Haroon was civil in nature and for the same, the respondent could not be proceeded departmentally.

14. We see no reason to disagree with the finding of the learned Tribunal, accordingly we find no merit in the present petition. The same, along with the pending application, is dismissed.

15. The Impugned Order passed by the learned Tribunal should be implemented within a period of six weeks from today by releasing the requisite benefits to the respondent, who we are informed has in the meantime attained the age of superannuation.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 13, 2025/b/k/ik