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

***Date of decision: 20.05.2025***

+ W.P.(C) 4711/2008 & CM APPL. 29043/2025

JOINT COMMISISONER OF POLICE .....Petitioner

Through: Mr. Syed Abdul Haseeb, CGSC

versus

AJAB SINGH

.....Respondent

Through: Mr. S.K. Gupta, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 27.09.2007 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in OA No. 2302/2005, titled ***Ajab Singh v. Govt of NCT of Delhi & Ors..***

2. The OA was disposed of by the learned Tribunal based on its earlier decision dated 25.04.2007 passed in OA No.1015/2006, titled ***Nawal Kishore v. Govt. of NCT of Delhi & Ors.***

3. The learned counsels for the parties submit that as far as the Order dated 25.04.2007 is concerned, the same was challenged by the petitioner herein in form of W.P.(C)7541/2007, titled ***Joint Commissioner of Police v. Nawal Kishore***, which was disposed of by



this Court *vide* its Judgment dated 16.09.2014 with the following directions:

*“10. No doubt, in this case, charges could not be proved in the criminal trial. The record reveals that the star witnesses, including the complainant, did not respond to summons and, therefore, did not participate during the trial. However, the disciplinary authority appears to have applied its mind and proceeded in terms of Rule 12(b),(c) and (d). The Disciplinary Authority in his note observed that the EO had not appreciated the evidence of PW-2, which related to the allegation contained in the charges with respect to manipulation of record and tampering of evidence made by the delinquent official/ applicant. In the circumstances, it cannot be said that the blanket bar against the departmental proceedings, following acquittal in criminal charges would apply in this case. The CAT’s reasoning on this aspect also is erroneous.*

*11. For the above reasons, we are of the opinion that the impugned order cannot stand; it is accordingly set aside. The disciplinary authority shall proceed further and record his findings on the material available to him. In case of a disagreement with the report dated 22.11.2004 of the EO, the said disagreement note shall be furnished to the respondent/applicant in accordance with law and procedure outlined in the judgment of the Supreme Court in Punjab National Bank and Ors. v. Sh. Kunj Behari Misra, 1998 (7) SCC 84, and applicable rules, if any, shall be followed. The entire exercise shall be completed as expeditiously as possible, and preferably within six months.”*

4. The learned counsels for the parties submit that as the Impugned Order had relied on the Order dated 25.04.2007 passed by



the learned Tribunal in OA No.1015/2006, which now stands set aside, the Impugned Order be also set aside and the proceedings be remanded back to the learned Tribunal for a fresh consideration of the OA filed by the respondent, that is, OA No. 2302/2005.

5. Accordingly, the Impugned Order dated 27.09.2007 is set aside. OA No. 2302/2005 is restored before the learned Tribunal.

6. We are informed that pursuant to remand, the OA filed by Mr. Nawal Kishore is now listed before the learned Tribunal on 04.08.2025. The OA No.2302/2005 on its remand shall also be listed before the learned Tribunal on the said date, that is, 04.08.2025.

7. The parties shall appear before the learned Tribunal on 04.08.2025. There is no necessity of issuance of fresh notice to the parties.

8. Considering the fact that the OA was filed in 2005 and that the present petition was pending since the year 2008, the learned Tribunal is requested to decide the same expeditiously and preferably within a period of three months of its first listing before the learned Tribunal.

9. The petition and the application are disposed of in the above terms.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MAY 20, 2025/Arya/ik**

*Click here to check corrigendum, if any*