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

+ W.P.(C) 14979/2025

SEEMA AGED ABOUT 38 YEARS

.....Petitioner

Through: Mr. Mathew M. Philip, Mr.
Gaurav Pachori, Mr. Jatin
Khatri, Ms. Urvashi Bhatia, Mr.
Priyansh Senger and Ms. Jyoti
Khurana, Advs.

versus

1. DELHI POLICE THROUGH ITS COMMISSIONER &
ORS.

.....Respondents

Through: Mr. Prasanta Varma, SCGC,
UOI with Mr. Rajat Choudhary,
Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

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17.03.2026

1. The Petitioner was suspended on 27.04.2023 on registration of an FIR under Section 7 of the Prevention of Corruption Act, 1988. This triggered the arrest of the Petitioner. Subsequently, *vide* order dated 03.05.2023, she was dismissed from service under Clause (b) of the 2nd Proviso to Article 311(2) of the Constitution of India as the requirement of holding departmental enquiry was dispensed with. The Appeal filed by the Petitioner was also dismissed by the Appellate Authority on 23.03.2024. She filed an Original Application (OA) to challenge both the aforementioned orders dated 03.05.2023 and 12.03.2024. Both the orders were set aside by the Central Administrative Tribunal [hereinafter referred to as 'CAT'] *vide* order dated 04.09.2024 directing her reinstatement "forthwith". However,



she was denied the relief of back wages. The CAT permitted the Respondents to initiate departmental proceedings against the Petitioner.

2. The limited challenge in the present Writ Petition is with regard to denial of back wages.

3. This Court has heard learned counsel representing the parties at length and with their able assistance, has perused the paper book.

4. Learned counsel representing the Petitioner submits that in the same FIR, another employee, namely, Head Constable (HC) Jasbir Singh has been ordered to be reinstated with back wages by the CAT *vide* order dated 08.01.2025, whereas the Petitioner has been denied relief of back wages without recording any reason.

5. *Per contra*, learned counsel representing the Respondents submits that two separate orders were passed against the Petitioner and HC Jasbir Singh, hence, the Petitioner cannot make a claim on the grounds of parity.

6. This Court has considered the submissions. It is evident that there is no challenge to order passed by the CAT with regard to setting aside the dismissal from service under Clause (b) of 2nd Proviso to Article 311(2) of the Constitution of India. Once, the order of dismissal is set aside, the Petitioner will be deemed to have continued in service. She was placed under suspension before her services were dismissed. Hence, she will be deemed to be under suspension. Consequently, the Petitioner is entitled to suspension allowance because if ultimately in the disciplinary enquiry, the charges are proved against the Petitioner, any order passed by the Disciplinary Authority will operate prospectively and not retrospectively. Hence, it would not be appropriate to deny the subsistence allowance all this



while.

7. Moreover, CAT has not given any reason to deny the relief of back wages to the Petitioner. Consequently, while partly allowing the Writ Petition, the direction is issued to the Respondents to pay subsistence allowance, if not already paid, from the date on which she was suspended.

8. In view of the above, the present Writ Petition is disposed of.

ANIL KSHETARPAL, J.

VIMAL KUMAR YADAV, J.

MARCH 17, 2026/sp/kb