



2025:DHC:4201-DB



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

Date of decision: 22.05.2025

+ W.P.(C) 8863/2018

SURESH YADAV

.....Petitioner

Through: Mr. S. N. Sharma and Mr.
Aman Mudgal, Advs.

versus

G.N.C.T OF DELHI & ANR

.....Respondents

Through: Mr. Nishant Gautam, CGSC
with Mr. Prithvi and Mr. Vipul
Verma, Advs.
Insp. Ajay Kumar and SI Abdul
Barkat.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 13.10.2017 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 822/216, titled *Suresh Kumar v. Govt. of Delhi and Anr.*, dismissing the O.A. filed by the petitioner herein.

2. The above O.A. had been filed by the petitioner challenging the Order dated 07.11.2013 passed by the Disciplinary Authority of the respondent, which had also been upheld by the Appellate Authority by the Order dated 07.08.2014, dismissing the petitioner from the service. The aforementioned Disciplinary Authority Order as well as the



Appellate Authority Order are also in challenge before us.

3. In the Order dated 07.11.2013, the Disciplinary Authority had specifically stated that the punishment of removal from service imposed upon the petitioner, shall be '*subject to final verdict in above said criminal case*'. The criminal case referred to in the said Order had originated from FIR No. 274/1996 dated 19.07.1996 registered under Sections 420/468/471/34 of the Indian Penal Code, 1960 (hereinafter referred to as, 'IPC') at Police Station Rohini.

4. The petitioner, by way of application, being CM APPL. No. 3815/2024, has now placed on record, a copy of the Judgment dated 02.12.2023 passed by the learned Metropolitan Magistrate-05, North West District, Rohini Courts, Delhi (hereinafter referred to as, 'Trial Court') passed in Criminal Case No. 528260/2016, whereby the learned Trial Court held that the prosecution has failed to bring on record any cogent evidence in order to prove the guilt of the petitioner. The petitioner was, therefore, acquitted of the offence under Section 474 of the IPC, the only offence for which he was charged.

5. Keeping in view the above development, we set aside the Impugned Order dated 13.10.2017 passed by the learned Tribunal and remand the matter back to the Disciplinary Authority of the respondents to consider the matter afresh in light of the acquittal of the petitioner as referred hereinabove.

6. A decision in this regard shall be taken by the respondents within a period of four weeks from the communication of this Order. The petitioner may communicate this order along with a



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representation, to the respondents, and the Competent Authority of the respondents shall also consider the representation so made, while taking the decision. The competent authority of the respondents shall also keep in view the Rule 12 of the Delhi Police (Punishment and Appeal) Rules, 1980.

7. If the petitioner is aggrieved of the decision taken by the Disciplinary Authority, it shall be open to the petitioner to challenge the same in accordance with the law.

8. The petition is, accordingly, disposed of in the aforesaid terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 22, 2025

p/sm/ik

Click here to check corrigendum, if any