



2025:DHC:6398-DB



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

Date of decision: 01.08.2025

+ W.P.(C) 2608/2018
PINTO KUMAR

.....Petitioner

Through: Mr.Sachin Chauhan, Adv.

versus

GOVT. OF NCTD & ORS

.....Respondents

Through: Mr.Satya Ranjan Swain, SPC
with Mr.Kautilya Birat, Adv.
for Delhi Police

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 16.11.2016 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 2901/2013, titled ***Shri Pinto Kumar v. The Govt. of NCTD through The Commissioner of Police (DAP) & Ors.***, allowing the O.A. filed by the petitioner with the following direction:

"15. In the circumstances and for the aforesaid reasons, the OA is allowed and the impugned orders are quashed and the respondents are directed to reinstate the applicant into service with all consequential benefits. However, in the peculiar circumstances of the case, the applicant is not entitled for any arrears for the break period. No costs."



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2. The petitioner, in spite of the O.A. being allowed, has challenged the Impugned Order only to the limited extent that the learned Tribunal has held that he shall not be entitled for any arrears for the break period, that is, from the date of termination of his services till his reinstatement in service.

3. To give a brief background of the facts in which the present case arises, the petitioner was provisionally selected as a Constable in the Delhi Police through the recruitment process held in the year 2009. He was issued an Offer of Appointment *vide* Letter dated 03.10.2011, pursuant where to, he joined the basic training and completed the same.

4. By way of an Order dated 04.06.2012, a departmental proceeding under the provisions of the Delhi Police (Punishment and Appeal) Rules, 1980 was initiated against the petitioner, alleging that he had failed to disclose that he was involved in an FIR under Sections 147/148/452/307/308/323/504/506 of the IPC registered at P.S. Sikandrabad (UP).

5. The petitioner, in defence, stated that the said FIR was registered when he was only around 14 years of age and, therefore, he was entitled to protection under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 as well as the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter collectively referred to as the, 'Juvenile Justice Act')

6. In spite of the above plea of the petitioner, the Inquiry Officer held the charges against the petitioner to be proved, and the Disciplinary Authority, *vide* an Order dated 29.04.2013, imposed the



punishment of dismissal from service on the petitioner. The appeal filed by the petitioner was also rejected by the Appellate Authority *vide* Order dated 17.07.2013.

7. Aggrieved thereby, the petitioner approached the learned Tribunal by way of the above O.A.

8. The learned Tribunal, in the Impugned Order, has accepted the submission of the petitioner that being entitled to the protection under the Juvenile Justice Act, he could not be accused of having concealed the registration of the above FIR, as the same was not to be disclosed. However, the learned Tribunal denied to the petitioner the arrears of wages for the period from the date of his dismissal from service till his reinstatement. It is against this finding that the present petition arises.

9. The learned counsel for the petitioner submits that the respondents, having themselves acted against the law, the petitioner cannot be denied his backwages. He places reliance on the Judgment of the Supreme Court in ***Union of India (UOI) and Ors. v. Ramesh Bishnoi***, 2019 SCC OnLine SC 1531.

10. On the other hand, the learned counsel for the respondents reiterates that the petitioner had concealed in the application form dated 16.11.2009 and the attestation form dated 02.06.2010, the registration of the above FIR and, therefore, had been proceeded against in the departmental proceedings. He submits that though the petitioner was entitled to the protection under the Juvenile Justice Act, he should still have disclosed the registration of the FIR and in these circumstances, no fault can be found with the learned Tribunal denying him the backwages.



11. We have considered the submissions made by the learned counsels for the parties.

12. As held by the Supreme Court in *Ramesh Bishnoi* (supra), the thrust of the Juvenile Justice Act is that even if a juvenile is convicted, the record of the same is obliterated so that there is no stigma with regard to any crime committed by such person as a juvenile. The object of the Act is to reintegrate such juvenile back in the society as a normal person without any stigma. It is for this reason that the entire record is obliterated and, therefore, to either demand that he should still disclose the registration of the FIR against him or to penalise him for such non-disclosure, would, in our mind, be acting in violation of the mandate of the said Act and the provisions of Section 19 of the Juvenile Justice Act. Reliance can also be placed on the Judgements of this Court in *Akhilesh Kumar v Union of India*, 2018 SCC OnLine Del 7341; and in *Md. Parvej Alam vs. Union of India and Ors.* 2024 SCC OnLine Del 1250.

13. In the present case, the petitioner, in response to the disciplinary proceedings had brought to the notice of the respondents that he was a juvenile, being only around 14 years of age, when the said FIR was registered. In spite of the same and the well established principles of law, the respondents, instead of dropping the departmental proceedings, went ahead and, in fact, visited the petitioner with the extreme penalty of dismissal from service. The same was a clear violation of law and has rightly been set aside by the learned Tribunal.

14. Having set aside the punishment, the petitioner could not have been again penalised, though in a different form, by denying him the



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backwages. This case warranted that the petitioner should have been reinstated in service with full backwages and notional seniority relief.

15. We, therefore, set aside the Impugned Order insofar as it denies the backwages to the petitioner. We direct that the petitioner shall be entitled to the backwages from the period between his dismissal from service till the date of his reinstatement, along with interest at the rate of 6% per annum. The same be released by the respondents to the petitioner within a period of twelve weeks from today.

16. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 1, 2025/sg/ik