

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 171/2004

This the 19th day of August, 2004

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. S.A. SINGH, MEMBER (A)

Const. Arun Kumar
(PIS No. 28822017)
R/o Vill. & P.O. Doohri,
P.S. Pilkhuwa,
Distt. Ghaziabad, UP. Applicant

(By Advocate: Sh. Anil Singal)

Versus

1. Govt. of NCT of Delhi
through Commissioner of Police,
Police Head Quarters,
IP Estate, New Delhi.
2. Jt. Commissioner of Police,
(Vigilance) PHQ,
IP Estate, New Delhi.
3. DCP (Headquarters)
Police Head Quarters,
IP Estate, New Delhi. Respondents

(By Advocate: Sh. Ajesh Luthra)

O R D E R (ORAL)

By Mr. Justice V.S. Aggarwal, Chairman

The facts are not in dispute and, therefore, they can be delineated briefly. In June 1992, the case with respect to an offence punishable under Section 392/34 Indian Penal Code was registered against the applicant. On 19.8.99, he was acquitted by the Court of competent jurisdiction. It is also not in dispute that disciplinary proceedings were initiated against the applicant pertaining to the same assertion flowing from the above said criminal case. The order imposing certain penalties had been passed but in OA-1873/2001 decided on 24.5.2002, the disciplinary proceedings and the order of penalty had been quashed.

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2. The precise grievance of the applicant is that his name of had been placed in the persons of doubtful integrity (Secret List) from the year 1992 when the criminal case was registered. After the applicant had been acquitted by the Court of competent jurisdiction and the disciplinary proceedings were quashed, his name has been removed from Secret List of persons of doubtful integrity from 19.8.99, i.e., when he was acquitted. Assertion is that the name of the applicant should be removed from Secret List of persons of doubtful integrity from the date it was entered, i.e., when the criminal case was registered.

3. We have heard the parties counsel.

4. Once a person has been acquitted by the Court of competent jurisdiction, necessarily it would take effect from the date the name was entered in the persons of doubtful integrity and the list maintained thereto. In the present case infact, as already referred to above, even the departmental proceedings initiated had since been quashed. Resultantly in the facts of the present case, it must follow that the name of the applicant should be removed from the date it was entered in the list of persons of doubtful integrity and impugned order is quashed.

5. Consequential benefits which may flow should be accorded to the applicant. The claim of the applicant for promotion should be considered from the date his juniors have been

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promoted. The necessary exercise should be taken preferably within 3 months from the date of receipt of a copy of this order.



(S.A. SINGH)
MEMBER (A)



(V.S. AGGARWAL)
Chairman

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