

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1284/2004

New Delhi, this the 24th day of January, 2005

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A.Singh, Member (A)**

Inspector Rajbir Singh

No.D/11

S/o Sh. Wazir Singh

R/o BB-70B (Purvi)

Shalimar Bagh, Delhi.

... Applicant

(By Advocate: Ms. Jasvinder Kaur)

Versus

1. Commissioner of Police
Police Head Quarters
I.P.Estate
New Delhi.

2. Jt. Commissioner of Police (Vigilance)
Police Head Quarters
I.P.Estate
New Delhi.

... Respondents

(By Advocate: Sh. Ajesh Luthra)

ORDER

By Mr. Justice V.S.Aggarwal:

Applicant (Rajbir Singh) is Inspector in Delhi Police. By virtue of the present application, he seeks quashing of the orders whereby his name has been removed from the 'Agreed List' of doubtful integrity on 2.7.2003. The order reads:

"With the approval of Joint C.P./Vigilance, Delhi the name of Shri Rajbir Singh, No.D-11 has been removed from Agreed list of doubtful integrity w.e.f. 2.7.03."



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He further seeks that his name should be directed to be removed from '**Agreed List**' of doubtful integrity from the date of inception.

The relevant facts are that the applicant faced three disciplinary proceedings and three charge-sheets were served.

The name of the applicant was brought on '**Secret List**' of doubtful integrity from 14.4.1998 on initiation of disciplinary proceedings on the allegations that an inquiry was conducted by the Assistant Commissioner of Police into the complaint filed by Smt. Rajni Verma and Smt. Santosh Verma. A case with respect to the offence punishable under Sections 406/498-A was registered at Police Station, Nabi Karim on the complaint of Smt. Rajni Verma. At that time, the applicant, who was posted at Police Station, Nabi Karim, visited Tis Hazari Court, Delhi along with the brother of Mohinder Singh to stand surety for the bail of the accused in that case. The applicant threatened to the complainants with dire consequences and forced them to withdraw the case, failing which he threatened to implicate them in some false case.

2. In the said departmental enquiry, the applicant was awarded a major penalty. His name was continued in the '**Secret List**' from 14.4.1998 for a period of three years which was removed on 14.4.2001. The applicant was finally exonerated from the charge.

3. In the **second case**, the name of the applicant was brought on **Secret List** from 16.9.1998 when he was awarded a



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major penalty in appeal filed by him to the Joint Commissioner of Police. It was alleged that while posted at Police Station, Nabi Karim, he was briefing the staff on 17.12.1997. All the beat staff and others were present in the briefing. At that time, Constable Ashok Kumar came to ASI Vijender Kumar. He had told him that his name was in the **Promotion List 'E'** so he would have to give a party to the staff. At this, the applicant had said **"YEH KAL KA BHARTI SIPAHI MERE SAMNE KAISE THANEDER BANEGA ABHI BATATA HUN"**. After uttering these words, he lodged a report to spoil the career of the said Constable. Later ASI Vigender Singh filed a complaint. The name of the applicant subsequently removed from the **Secret List** from 16.9.2001 on his being exonerated.

4. In the **third case**, the name of the applicant was brought on **Secret List** on 3.8.1998. It was alleged that while he was posted in Ch.I & II Reserve, he was found in drunken condition. He refused to get himself medically examined. He was made to sit in the Gypsy with the help of a Constable and thereafter medically examined. The Doctor had opined that **"Aggressive behavior with smell of alcohol in the breath, however gait is normal & speech is not slurred Imp. has consumed alcoholic beverage but not under the influence of alcohol"**. In the departmental proceedings, a lenient view was taken. His name was removed from the **'Agreed List'** of doubtful integrity from 2.7.2003.



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5. On the strength of these facts, the learned counsel for the applicant had argued that when the applicant had been exonerated from all these alleged dereliction of duty, his name could not have been kept in the '**Agreed List**' of doubtful integrity.

6. The application is being opposed.

7. Under the Standing Order No.265, there are two lists of persons suspected to be of doubtful integrity. The first list is '**Agreed List**' and the other is '**Secret List**' of doubtful integrity.

8. The '**Agreed List**' of officials of doubtful integrity is prepared of police persons against whom there are complaints on their honesty or integrity. The relevant part of the same reads:

"5. AGREED LIST:

i) The agreed list of officials of doubtful integrity shall be prepared of police personnel against whose honesty or integrity there are complaints, doubts or suspicious after consultation between the concerned disciplinary authority and their counterpart in the Vigilance Branch in PHQ. The consultation shall be between DCP/Distt/Unit and DCP/Vigilance for police personnel of lower subordinates rank while it will be between Joint CP or Addl. CP/Range/Unit with the Joint Vigilance in case of upper subordinates rank. This will include the following cases:-

a) Officials against whom proceedings for a major penalty or a Court trial are in progress for alleged acts involving specific charges of lack of integrity or moral turpitude.

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- b) Those case where enquiries do not substantiate charges of dishonesty but raise strong suspicion of dishonest conduct.
 - c) Officials who are prosecuted but acquitted on technical grounds leaving reasonable suspicion against their integrity."

9. So far as the '**Secret List**' of doubtful integrity is concerned, it is pertaining to the following incidents:

"6. SECRET LIST OF DOUBTFUL INTEGRITY

It will include the names of officers failing under one or more of the following categories:

- i) Officials convicted in a Court of law on the charge of lack of integrity or for an offence involving moral turpitude but due to exceptional circumstances, penalty other than that of dismissal, removal or compulsory retirement is imposed upon them.
- ii) Officials who are awarded a major penalty departmentally in one of the following cases:
 - a) On charges of lack of integrity.
 - b) On charges of gross dereliction of duty in protecting the interest of govt. although the corrupt motive may not be capable of proof.
- iii) Officials who were prosecuted but acquitted on technical grounds, though on the basis of evidence led in the trial a reasonable suspicion against their integrity is raised, or who were dealt with departmentally but exonerated on technical grounds/winning over of the witnesses.
- iv) Officials who are awarded minor penalty on charges involving specific charges of lack of integrity moral turpitude pursuant to major penalty proceedings.
- v) The name on Secret List, shall be brought from the date of punishment order/date of conviction in Court trials."

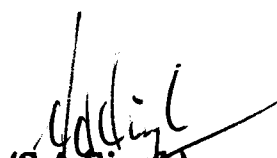
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10. In the present case before us, the copies of the relevant orders have been placed on the record, brief resume of which we have given above. The applicant had been exonerated from all the departmental proceedings. So far as the departmental proceedings, which ended on 2.7.2002, is concerned, it is obvious that in fact, he has been exonerated but he has been told to be careful. After exoneration and advice that one should be careful in future does not bring the case of the applicant within the purview and ambit of Standing Order No.265. Once the person has been exonerated, it must follow that the name of the applicant necessarily had to be removed from the list of the persons of doubtful integrity from the very inception.

11. For these reasons, the Original Application is allowed and the impugned order is quashed. It is directed that the name of the applicant should be removed from the list of doubtful integrity from the date when it was first introduced.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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