

**Central Administrative Tribunal
Principal Bench, New Delhi
OA No. 2292/2019**

New Delhi this the 02nd day of September, 2019

Hon'ble Sh. Pradeep Kumar, Member (A)
Hon'ble Sh. R.N. Singh, Member (J)

Sh. D.V. Singh,
Age about 57 years, Gr. B,
Ex-Jr. Engineer,
S/o late Sh. Fattey Singh,
R/o B-1/298, Janak Puri,
New Delhi-110058.

...Applicant

(By Advocate : Ms. Harvinder Oberoi)

Versus

1. The Commissioner,
North Delhi Municipal Corporation,
Civic Centre, New Delhi-110002.
2. Additional Commissioner (Engg.)
Disciplinary Authority,
North Delhi Municipal Corporation
Civic Centre, New Delhi-110002

...Respondents

(through Sh. M.S. Reen)

ORDER (ORAL)

Hon'ble Sh. Pradeep Kumar, Member (A)

In the instant case, one criminal case was launched against the applicant in RC No. 4(E)/96/CBI/ACB/New Delhi, u/s.7 7 13 (2) r/w 13(1)(d) of P.C. Act, 1988. The said criminal court convicted the applicant vide orders dated 21.01.2000. The operative part reads as under :-

“4. I have carefully considered the submissions made on behalf of convict. In my opinion, crime committed by accused is such that he does not deserve any leniency. It is common knowledge that corruption in public offices is increasing day by day and honest citizen is normally confronted with harassment in public offices by corrupt officials. If the vice of corruption is to be checked, it is necessary that corrupt public servants should be dealt with severely and they should be awarded exemplary punishment.

5. Thus, keeping in view the nature of offence committed by the accused and the amount of illegal gratification demanded and accepted by him as well as the submissions made on behalf of accused, I hereby sentence the accused U/s. 7 of PC Act, 1988 to undergo RI for a period of 2 years and to pay fine of Rs. 10,000/-. In default of payment of time, accused shall undergo SI for further period of 6 months.

6. For the offence punishable U/s. 13(2) r/w. 13(1)(d) of PC Act, 1988 I further sentence the accused to undergo RI for a period of 2 years and also to pay fine of Rs. 10,000/-. In default of payment of fine, accused shall undergo SI for further period of 6 months.

7. It is ordered that substantive sentences of imprisonment awarded for the offences punishable U/s. 7 & 13(2) r/w. 13(1)(d) of PC Act, 1988 shall run concurrently. The period of imprisonment already undergone by the accused, if any, during the investigation or trial of the accused shall be set off against the substantive sentences.

8. Case property be returned to the rightful owner and the hand washes be destroyed after the expiry of period of appeal or in the event of appeal after the disposal of appeal.”

2.0. The applicant preferred an appeal against the decision of the Criminal Court in Hon'ble High Court of Delhi in CRL.A

47/2000. The order was pronounced on 29th November, 2018.

The operative part reads as under:-

“11. More than the above, the sequence of events narrated by PW-1 with regard to what happened after the money had statedly been taken over by the appellant renders a fatal blow to the prosecution case. As per the PW-1, after the money had been handed over and the pre-determined signal had been given, the appellant was apprehended in the presence of the shadow witness (PW-2) and panch witness (PW-4). The appellant had taken out the trap money from his pocket and thrown it on the floor. He added that, at that stage, PW-2 and PW-4 had picked up the trap money from the ground and put it back into the pocket of the trouser of the appellant questioning him as to why he was throwing the money and rather he should keep it in his pocket. Though the TLO and the other witnesses would not say so, the evidence of PW-1 to this effect cannot be ignored. The fact that the trap money was forced into the pocket of the appellant by the two panch witnesses gives rise to the probability that the money had been thrust upon him. At any rate, it renders the result of hand wash or pocket wash meaningless.

12. In the above facts and circumstances, the benefit of doubt will have to be extended to the appellant. In the result, the appeal is allowed. The impugned judgment and the order on sentence are set aside. The appellant is acquitted. The bail bonds are discharged.”

3.0. Meanwhile, on conclusion of criminal case, the applicant was dismissed from service vide orders dated 13.03.2001. Once decision of Hon'ble High Court was delivered, the applicant had made a representation to respondents in March, 2019 pleading for

reinstatement. This was followed by another representation on 29.04.2019. The applicant pleads that these representations have still not been replied.

4.0. Without expressing any opinion on the merits of the case, the present OA is disposed of with a direction to the respondents to take into account the relevant material and the orders by Criminal Court and Hon'ble High Court and take a view on the representation by passing a reasoned and speaking order within a period of six weeks under advice to applicant. No costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)