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Central Administrative Tribunal, Principal Bench

Original Application No. 2039 of 2003

New Delhi, this the 6th day of February, 2004

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

Maluk Singh
(D-1/226)
S/o Shri Tarlok Singh,
R/o C-38, Police Colony Mehram Nagar,
New Delhi-37

....Applicant

(By Advocate: Shri Shyam Babu)

Versus

1. The Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, Players' Building,
I.P.Estate, New Delhi

2. Commissioner of Police
Delhi, Police Headquarters,
I.P.Estate, New Delhi

3. Joint Commissioner of Police
(Vigilance) Delhi
Police Headquarters, I.P.Estate,
New Delhi

4. Dy. Commissioner of Police
(Vigilance) Delhi
Police Headquarters, I.P.Estate,
New Delhi

....Respondents

(By Advocate: Shri Ajesh Luthra)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

After the arguments had been addressed, the matter has come within a short compass. The facts are not in dispute and, therefore, can conveniently be delineated.

2. The applicant seeks that his name should be removed from the secret list from 11.4.96 i.e. the date when it was brought on the list of persons of doubtful integrity.

3. It is not in dispute that pertaining to the

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alleged misconduct, the applicant had been facing disciplinary proceedings and the same were dropped. It is also not in dispute that in the criminal proceedings that were initiated against him arising out of the same alleged misconduct/alleged crime, he has been acquitted by the court of Special Judge, Delhi. During the pendency of these proceedings, his name had been kept in the secret list of persons of doubtful integrity.

4. The short question, therefore, which craves for an answer is that keeping in view the abovesaid facts, if the name of the applicant could be kept in the secret list of persons of doubtful integrity.

5. After hearing the parties counsel, we are of the considered opinion that in the facts of the present case, there was no occasion to keep the name of the applicant in the persons of doubtful integrity/secret list and it should have been removed from 11.4.96 when it was so inserted.

6. Reasons are obvious and not far to fetch. The names of the persons are kept in the secret list of doubtful integrity keeping in view certain material which is available against them. We are not dwelling into that controversy because specific instructions in this regard have been issued by the Commissioner of Police. However, when the person concerned has been acquitted by the court of law and even the departmental proceedings have been dropped, we have no hesitation in observing that there is precious little against the applicant. When there is no

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material against him and there was no material available to do so after the said events which have taken place, the only logical conclusion would be that the name of the applicant should have been removed from the secret list from 11.4.96 when it was so inserted.

7. Our attention has been drawn towards the decision of this Tribunal in the case of Harjinder Singh Gill vs. Govt. of NCT Delhi and ors., 2001 (2) ATJ 607. A similar controversy was alive before this Tribunal and it was held:

"The contention of the learned counsel for the applicant is that after exoneration from the departmental enquiry as admittedly an order was passed by the disciplinary authority on 9.1.98 dropping the departmental enquiry against the applicant, his name which had been entered in the secret list of officials having doubtful integrity should have been removed from its inception i.e., w.e.f. 8.6.1995. The learned counsel for the applicant has drawn our attention to judgment of this Tribunal dated 18.8.1998 in OA 827/1998 where it has been held as under:

"In view of the above, we are convinced that the OA deserves to be allowed. We accordingly allow this OA and set aside the order dated 28.10.1997 by which the applicant's name has been removed from the secret list only w.e.f. 6.6.1997. We further direct that the applicant's name shall be deemed to have been removed from the secret list from the date of its inception i.e. 6.6.1994. It shall be open to the applicant to make necessary representation claiming consequential benefits flowing from this order."

In this case also the name of the applicant was removed from the secret list from the date of his exoneration from the departmental charges. But the Tribunal was pleased to direct the respondents to remove the names from the date of his inception. We are in conformity with the judgment delivered by the Tribunal and held that the action of the respondents by removing the name of the application from the secret list of officials having doubtful integrity w.e.f. 8.6.1998 and not from 8.6.1995 is not legally sustainable. As a result the applicant's name would stand removed from the secret list of officials having doubtful integrity

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w.e.f. 8.6.1995."

Same was the view expressed by this Tribunal in the case of Devender Pal Singh vs. Union of India and ors. (O.A. 2177/96) decided on 21.7.98.

8. Taking stock of those facts, we allow the present application and set aside the impugned order. It is directed that the name of the applicant should be removed from the secret list of persons of doubtful integrity from 11.4.1996.

Dixit
(S.A. Singh)
Member (A)

V.S. Aggarwal
(V.S. Aggarwal)
Chairman

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