



2026:DHC:8366-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 25th September, 2026***# **CNR No. DLHC010001572006**+ **W.P.(C) 2758/2006****K.P.SINGH III**

.....Petitioner

Through: **Mr. S.S. Tiwari, Adv.**

versus

UOI & ORS.

.....Respondents

Through: **Mr. Ripudaman Bhardwaj,
CGSC with Ms. Kushagra
Kumar, Adv. for UOI.****CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T (ORAL)****AMIT MAHAJAN, J.****REVIEW PET. 254/2026 & CM APPL. 36144/2026 [Exemption]**

1. The present Review Petition has been preferred under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (hereinafter "**CPC**") seeking review of the judgment dated 09.04.2026 passed by this Court in W.P.(C) 2758/2006, whereby the writ petition preferred by the Petitioner (assailing the order passed by the learned Central Administrative Tribunal affirming the order of his compulsory retirement) was dismissed.
2. The Petitioner was accused of inflicting beatings on one Shri Ram Gopal, Postmaster on 28.02.2000, and pursuant to the conduction



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of the departmental enquiry, the petitioner was found guilty of the alleged misconduct. By punishment order dated 05.12.2000, the petitioner was dismissed from service. However, order of punishment was modified to compulsory retirement by the revisional authority *vide* order dated 04.03.2002. Against the same, the petitioner had approached the learned Tribunal in O.A. No. 500/2004 which was dismissed by order dated 03.03.2005 noting that all the contentions of the petitioner had extensively been dealt by the Disciplinary/Appellate and Reviewing Authorities. The review application against the dismissal of the original application being R.A. No. 100/2005 was also dismissed.

3. In this backdrop, the petitioner had approached this Court in W.P.(C) 2758/2006 challenging the order dated 03.03.2005 passed by the learned Tribunal. This Court, after considering the singular ground agitated by the petitioner pertaining to the failure of the inquiry officer to enforce the attendance of witness, and the other material on record establishing the guilt of the petitioner on a preponderance of probabilities, had dismissed the writ petition by judgment dated 09.04.2026.

4. At this juncture, it is essentially the case of the petitioner that certain documents were not supplied to him by the respondents. The Petitioner is aggrieved that certain precedents relied on by him have not been discussed in the judgment. The petitioner, at this stage, has also relied on the judgment passed by the Hon'ble Apex Court in ***Ranjit Singh & Anr. v. State of Uttarakhand & Ors. : 2024 INSC 724*** to contend that since the inquiry proceedings were closed by the



inquiry officer on 21.10.2000 and not on 30.10.2000, without any notice to the petitioner, the same was violative of the principles of natural justice.

5. As recorded in the judgment dated 09.04.2026, the petitioner had limited his submissions and pressed a singular ground to contend that the enquiry proceedings stood vitiated. It was argued that in the inquiry proceedings, the Petitioner had sought to examine one Sh. D.K. Vashishtha, Accountant Bulandarshahar, as a defence witness. It was urged on behalf of the petitioner that for the examination of the said witness, the inquiry proceedings were adjourned from 20.10.2000 to 30.10.2000. It was submitted that the inquiry proceeding were however closed by the inquiry officer by saying that the said witness was unwilling to attend the inquiry. By placing reliance on Section 5 of the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972, the petitioner had argued that since the Inquiry Officer had failed to mandatorily enforce the attendance of the witness, the inquiry stood vitiated.

6. While dealing with this singular contention, this Court came to the conclusion that merely because the inquiry officer was equipped with powers akin to those of a Civil Court as per Section 5 of the Act, the same did not translate into a rigid obligation on the inquiry officer to compel the attendance of the said witness failing which the inquiry proceedings can be said to have been vitiated. It was noted that the inquiry officer was required to exercise the discretion as provided under Section 5 of the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972



judiciously and not mechanically.

7. This Court had then proceeded to note that even if the case of the petitioner were to be taken at the highest, the petitioner had not demonstrated any prejudice caused to him. While taking note of the enquiry report and the material on record, this Court had noted that there were five witnesses to the alleged incident, who consistently deposed that the petitioner had hit the complainant with a *chappal*. Further, as appreciated on the earlier occasion, the two defence witnesses failed to highlight anything to point towards the innocence of the petitioner. It was consequently noted that the allegations against the petitioner stood established on a preponderance of probabilities.

8. This Court had holistically considered the grievance raised by the petitioner and had come to the conclusion that the petitioner had failed to highlight any infirmity in the impugned order. No new ground can be entertained in the present review proceedings.

9. Much emphasis has been placed by the learned counsel for the petitioner on the case of ***Ranjit Singh & Anr. v. State of Uttarakhand & Ors. (supra)*** to contend that since the inquiry proceedings were closed by the inquiry officer on 21.10.2000 and not on 30.10.2000, that too, without any notice, the same was violative of the principles of natural justice.

10. The reliance on the said case, in the opinion of this Court, is misplaced. In the said case, in a suit, the defendants, after service of summons sought repeated adjournments for filing written statement. On 22.04.2002, the learned Trial Judge did not accede to the prayer for grant of adjournment made by the defendants and passed an order



that the suit would be proceeded *ex parte* on 30.05.2002. In the meantime, on 03.05.2002, the plaintiffs, without any notice to the defendants, pressed an application preferred by them on an earlier occasion to strike out the defence of the defendants. On the said application, an endorsement was made in the margin that there was no advocate representing the defendants. On such facts, though the next date for proceeding *ex parte* was earlier fixed for 30.05.2002, the learned Trial Court allowed the application of the plaintiffs for striking out the defence of the defendants on 03.05.2002 and the said matter was taken up on the cause list without issuing notice to the defendants. On a conspectus of such facts, the Hon'ble Apex Court noted that when the defendants had appeared in the suit, the act of preponing the date without notice was completely illegal and contrary to the principles of natural justice.

11. The case of ***Ranjit Singh & Anr. v. State of Uttarakhand & Ors. (supra)*** thus being on a materially different footing, does not apply to the facts of the present case.

12. Be that as it may, even if this Court were to view the petitioner's case in the most favorable light, the same would not aid the case of the petitioner. This is because, while dealing with the singular contention of the petitioner to claim that the enquiry proceedings stood vitiated, this Court, on a holistic appraisal of facts, in its judgment dated 09.04.2026, had noted that the petitioner had failed to highlight any prejudice caused to him and the charges, on the face of it, stood proved on the touchstone of preponderance of probabilities.



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13. It emerges that the contentions essentially invite this Court to re-examine the merits and findings returned in the judgment under review by undertaking a fresh consideration of the statutory provisions, the documents placed on record and the rival contentions on merits. Such an exercise falls squarely within the domain of appellate jurisdiction and is wholly impermissible in review proceedings.

14. Even otherwise, it is well-settled that the scope of review proceedings is extremely limited and the Court can only review its order if there is any mistake or error apparent on the face of record. Power of review cannot be exercised to substitute a view and under guise of review, a litigant cannot be allowed to reargue the case. If the judgment sought to be reviewed is even erroneous, the same is not a ground to exercise the power of review [Ref. *S. Murali Sundaram v. Jothibai Kannan* : (2023) 13 SCC 515].

15. In view of the aforesaid discussion, this Court finds no reason to interfere with the judgment dated 09.04.2026.

16. The present review petition is accordingly dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

SEPTEMBER 25, 2026

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