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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 27.02.2026*

+ W.P.(C) 2786/2026, CM APPL. 13508/2026 and CM APPL. 13509/2026

GOVERNMENT OF NCT OF DELHI & ORS.Petitioners
Through: Mr. Kamal Kant Jha, CGSC
with Mr. Avinash Singh and
Ms. Aakriti, Adv. with ASI
Manbir Singh, Rohini District

versus

SHRI RAMESH CHANDERRespondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

AMIT MAHAJAN, J.

1. The present Writ Petition is filed assailing the order dated 25.09.2025 (hereinafter '**impugned** order') passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter '**Tribunal**') in O.A. No. 3867/2017.

2. Briefly stated, the present petition is arising out of disciplinary proceedings initiated and duly concluded against the Respondent, while he was in active service under the administrative and disciplinary control of the Petitioners.

3. The aforesaid disciplinary proceedings were initiated against the Respondent pursuant to registration of FIR No. 207/2015, under Section 420 of the Indian Penal Code, 1860, against the Respondent.



The said FIR arose out of a complaint made by the sister of the Respondent alleging that the Respondent fraudulently executed a Sale Deed dated 30.10.2007 in favour of his wife. The Petitioners noting that the Respondent failed to inform his department about the aforesaid criminal case, charged him as under:

"It is alleged against SI Ramesh Chander No. 6339/D that Smt. Kamlesh D/o Late Chinta Ram Ro VPO Khera Khurd, Delhi has given a complaint in the police station Shahbad Dairy against SI Ramesh Chander, No. 6339/D, his wife Sunita Rani & his two sons namely Amod & Deepak that she is real sister of SI Ramesh Chander No. 6339/0 and legal heirs of the property of her father Late Sh. Chinta Ram. SI Ramesh Chander No. 6339/D got false & illegal registry & forcibly acquired the property measuring one Bigha situated in Khasra No. 65/8, Village Iradat Nagar, Naya Baans, Delhi. Hence, she filed a Civil Suit in the court vide No. 127/08 and the Hon'ble court has passed an order dated 28/03/14 mentioning therein that the sale deed pertaining to the suit property i.e one Bigha in Khasra No. 65/8, Village Iradat Nagar, Naya Baans, Delhi so executed in favour of Sunita Rani by SI Ramesh Chander is declared to be nonest obtained by misrepresentation and fraud and in order to be cancelled and declared null & void. Hence a case vide FIR No. 207/15 dated 19/02/15 U/s 420 IPC PS S.B Dairy was registered' in this regard and the investigation of case is under way. He also did not inform the department about the registration of above criminal case against him.

The above act on the part of SI Ramesh Chander No. 6339/D amount to gross negligence, carelessness and grave misconduct in the discharge of his official duties. This renders his liable to be dealt with departmentally U/S 21 of Delhi Police Punishment and appeal rules."

4. Pursuant to the same, an inquiry officer was appointed by the Petitioners to enquire into the above stated charge. The enquiry officer in his findings dated 09.08.2016 concluded that the charge stood proved against the Respondent '*without any iota of doubt*'. Consequently, the Disciplinary Authority *vide* order dated 18.11.2016 awarded the punishment of '*forfeiture of two years approved service*'



temporarily for a period of two years' to the Respondent. The appeal filed by the Respondent against the said order was also dismissed by the Appellate Authority *vide* order dated 03.07.2017.

5. Aggrieved by the aforesaid, the Respondent filed an Original Application under Section 19 of the Administrative Tribunal Act, 1985 before the learned Tribunal. The learned Tribunal partly allowed the Original Application filed by the Respondent with the following directions:

- "i. The findings of the IO dated 09.08.2016, order issued by the disciplinary authority dated 18.11.2015 and the order of the appellate authority dated 03.07.2017 are quashed and set aside.*
- ii. As a consequence of this order, the applicant shall be entitled to all consequential benefits including promotions and seniority.*
- iii. The respondents shall be at liberty to initiate disciplinary proceedings against the applicant, if so advised, however, in accordance with the relevant rules and instructions on the subject.*
- iv. The directions contained hereinabove shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order.*
- v. There shall be no order as to costs."*

6. The learned Central Government Standing Counsel submits that the impugned order is perverse and unsustainable in law, being contrary to settled principles governing judicial review in disciplinary matters.

7. He submits that the learned Tribunal failed to appreciate that disciplinary proceedings are governed by the doctrine of preponderance of probabilities, and not by the standard of proof applicable to criminal trials, and therefore the interference of the Tribunal in the present matter merely on the basis of perceived inconsistencies in witness statements is legally impermissible.

8. He submits that the learned Tribunal has committed a manifest



error in accepting the respondent's plea of lack of knowledge of the FIR, despite clear evidence on record establishing that the respondent was examined during investigation and intimation to the department was admittedly given only after initiation of departmental enquiry, amounting to suppression and delayed disclosure.

9. He submits that the learned Tribunal has erroneously relied upon the testimony of PW-2 (complainant) while completely ignoring the documentary evidence, findings of fraud recorded by a Civil Court and the testimony of official witnesses.

10. We have heard the arguments of the counsel and perused the record.

11. It is the case of the Petitioners that the Respondent fraudulently executed a Sale Deed dated 30.10.2007 in favour of his wife and the same was recorded by the learned Additional District Judge, Tis Hazari Courts, Delhi *vide* judgment dated 28.03.2014, in Civil Suit No. 304/08. Additionally, it is the Petitioners' case that despite being aware that an FIR under Section 420 of the IPC had been registered against him, the Respondent failed to intimate his department about the same.

12. It is trite law that disciplinary proceedings are governed by the doctrine of preponderance of probabilities, and not by the standard of proof applicable to criminal trials. Though the rigours of the Indian Evidence Act, 1872 are not *per se* applicable to disciplinary proceedings, however, the Disciplinary Authority is still required to examine the evidence in the disciplinary proceedings and arrive at a reasoned conclusion that the material placed on record establishes the



guilt of the delinquent employee on the principle of preponderance of probabilities.

13. It remains undisputed that ordinarily Tribunals shall not interfere once a departmental enquiry is held and then subsequently upheld by the Appellate Authority. At the same time, it is also settled that departmental proceedings are quasi-judicial, and though the provisions of the Evidence Act are not applicable in the said proceedings, principles of natural justice are still required to be complied with. The Tribunal while exercising power of judicial review is entitled to consider as to whether while inferring commission of misconduct on the part of a delinquent officer relevant evidences have been considered by the department and if it finds upon test of such evidences that the test of doctrine of proportionality has not been satisfied, it would be within the domain of the Tribunal to interfere with such an order. Similar observations have been made by the Hon'ble Apex Court in *Moni Shankar v. Union of India : (2008) 3 SCC 484*. The relevant extracts of the same have been reproduced hereinbelow:

“17. The departmental proceeding is a quasi-judicial one. Although the provisions of the Evidence Act are not applicable in the said proceeding, principles of natural justice are required to be complied with. The courts exercising power of judicial review are entitled to consider as to whether while inferring commission of misconduct on the part of a delinquent officer relevant piece of evidence has been taken into consideration and irrelevant facts have been excluded therefrom. Inference on facts must be based on evidence which meet the requirements of legal principles. The Tribunal was, thus, entitled to arrive at its own conclusion on the premise that the evidence adduced by the Department, even if it is taken on its face value to be correct in its entirety, meet the requirements of burden of proof, namely, preponderance of probability. If on such evidences, the test of the doctrine of



proportionality has not been satisfied, the Tribunal was within its domain to interfere. We must place on record that the doctrine of unreasonableness is giving way to the doctrine of proportionality. (See State of U.P. v. Sheo Shanker Lal Srivastava [(2006) 3 SCC 276 : 2006 SCC (L&S) 521] and Coimbatore District Central Coop. Bank v. Employees Assn. [(2007) 4 SCC 669 : (2007) 2 SCC (L&S) 68].)”

14. In the present case, as has been rightly observed by the learned Tribunal, the disciplinary authority has awarded punishment to the Respondent without giving due consideration to material evidence on record.

15. The Department is essentially aggrieved by non-disclosure or belated disclosure of the Respondent’s alleged involvement in the FIR registered against him. It emerges that the Petitioners had proceeded on the premise that the fact of registration of the FIR was well within his *knowledge* and he has deliberately chosen to not disclose the Petitioners about the same.

16. As regards knowledge of the litigation is concerned, the learned Tribunal has categorically observed that there is a serious inconsistency in the statements of *PW 3-Shri Devender Dahiya* who has stated *that he has not issued any notice to Ramesh/Respondent* during the investigation and *PW4-SI Naresh Kumar* who stated that as per case record, the Respondent herein was examined by previous inquiry officer SI Devender Dahiya on 11.09.2015.

17. Further, it has also been observed that the disciplinary authority failed to give due weightage to the statement of the Respondent’s sister, who is the complainant in the FIR registered against the Respondent. She categorically deposed that she was herself unaware of the contents of the complaint and the same had been merely drafted



by her lawyer. The statement of the Respondent's sister is reproduced hereinbelow:

"PW-2 :- Statement of Smt. Kamlesh W/o Sh. Hariom R/o VPO Khera Khurd, Delhi, age 53 yrs-

*She stated that her mother had purchased a plot measuring 1000 Sq. yards in her paternal village Khera Khurd from the assets of her late father and her brothers Vinod, Kuldeep, Kashmiri Lal and Ramesh had built rooms on this plot. Later on, Ramesh objected regarding share of his brothers. **The matter was decided by the court and on the basis of order the police has registered the case against Ramesh.***

On cross examination by defence assistant on behalf of defaulter SI Ramesh Chander No. 6339/D, she stated that she does not know anything about the ongoing litigation between all four brothers before the DC/North and that the complaint on which the case was registered was drafted by her lawyer and she does not know about the contents of the complaint."

(emphasis supplied)

18. Hence, this Court is in agreement with the view taken by the learned Tribunal that the above aspects were crucial for determining whether the Respondent had any knowledge of the FIR or not, and the same should have been considered during the disciplinary proceedings.

19. It is also settled that mere registration of an FIR against an Employee, cannot be the sole basis of holding him guilty of misconduct. Be that as it may, in the present case, liberty has also been granted by the learned Tribunal to initiate fresh disciplinary proceedings, if required, in accordance with law.

20. The view adopted by the learned Tribunal appears to be a plausible view and this Court, in judicial review cannot sit as an appellate court over the findings arrived at by the learned Tribunal and substitute its own view. Hence, no interference is warranted in the impugned order in exercise of extraordinary Writ jurisdiction.



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21. The present petition is dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

FEBRUARY 27, 2026/sp