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

Date of Decision: 29th May, 2026

+ **W.P.(C) 7917/2026 & CM APPL. 38142/2026**

MS. MAMTA CHAUDHARYPetitioner

Through: Mr. Krishna Sharma, Mr.
Devashish Chauhan & Ms.
Jasleen Sandha, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr Vikram Jetly CGSC with
Ms Shreya Jetly, Adv. and Mr
A C J.P Singh & Mr Yashpal
Inspector and SI Rotash CISF

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. Through the present petition, the Petitioner essentially challenges the *ex-parte* punishment order dated 08.08.2024 whereby the Petitioner was removed from service. The Petitioner also challenges the Appellate order dated 04.12.2024 as well as the Revisional order dated 03.06.2025 whereby the punishment order passed by the Disciplinary Authority was upheld. The Petitioner further seeks reinstatement in service with continuity of service and all consequential benefits emanating therefrom.

2. Succinctly put, the pertinent facts germane to the adjudication



of the present petition are as follows:

2.1. The Petitioner was working as a Sub-Inspector at the CISF, Chennai Unit. The Petitioner was issued a Charge Memorandum under Rule 36 of the CISF Rules, 2001 by the Disciplinary Authority *vide* memorandum dated 14.12.2023 for the following articles of charge :

ARTICLE OF CHARGE-I "In gross violation of Rule 18 (a) of CISF Rules 2001, CISF No.120206423 Lady SI/Exe Mamta Chaudhary of CISF Unit ASG Chennai, entered into a marriage on 06.02.2018 with Shri Yogesh Kumar S/o Shri Budh Singh, a resident of K-I-88 Kavi Nagar, Ghaziabad (UP), whereas Shri Yogesh Kumar is already having a spouse living. This act on the part of Lady SI/Exe Mamta Chaudhary came to notice through a complaint received from Smt. Krishna Devi who is the first wife of Shri Yogesh Kumar S/o Shri Budh Singh. The above act on the part of No.120206423 Lady SI/Exe Mamta Chaudhary of CISF Unit ASG Chennai tantamounts to gross misconduct, indiscipline and unbecoming of Member of a Disciplined Armed Force of the Union, like CISF".

ARTICLE OF CHARGE-II "On 09.07.2023, CISF No. 120206423 Lady SI/Exe Mamta Chaudhary of CISF Unit, ASG Chennai was detailed for 'C' Shift duty from 2100 hrs to 0600 hrs as an In-charge of Departure Gate No. 06 of T-2 Terminal but, she failed to report for duty. During search carried out, she was not found present in the Unit Lines and at her residence. She deserted the Unit Line and the duty station and was declared AWL on 09.07.2023. She continues to remain AWL despite receipt of a call-up notice. The above act on the part of No.120206423 Lady SI/Exe Mamta Chaudhary of CISF Unit ASG Chennai tantamounts to gross misconduct, indiscipline, dereliction of duty, disobedience of lawful orders of the competent authority and is unbecoming of Member of a Disciplined Armed Force of the Union, like CISF".

*ARTICLE OF CHARGE-III "CISF No.120206423 Lady SI/Exe Mamta Chaudhary of CISF Unit, ASG Chennai made a false claim that she had applied for 03 years Extra Ordinary Leave *wef.*12.05.2023 through an application dated 05.05.2023 and that no decision of the Competent Authority was communicated to her*



upon the same till date. Whereas, no such application was submitted by her either at this office or to 'B' Company. She repeated her same false claim subsequently through an E-mail, Thereby, Lady SI/Exe Mamta Chaudhary misled the Unit Administration and created inconvenience. The above act on the part of No. 120206423 Lady SI/Exe Mamta Chaudhary of CISF Unit, ASG Chennai tantamounts to gross misconduct, indiscipline and is unbecoming of member of a disciplined Force of the Union like CISF”.

2.2. Thereafter, the Departmental Enquiry was conducted and the charges against the Petitioner were found to be proved. Thereafter, *vide* order dated 08.08.2024, the Disciplinary Authority awarded the penalty of “*removal from service*” to the Petitioner.

2.3. Aggrieved with the order of the Disciplinary Authority, the Petitioner preferred an appeal and the same also came to be dismissed *vide* order dated 04.12.2024.

2.4. Thereafter, the Petitioner preferred a revision petition praying for quashing of the charges framed against her. The Revision Petition filed by the Petitioner was also dismissed by the Revisional Authority *vide* order dated 03.06.2025. Aggrieved by the same, the Petitioner has filed the present petition.

3. The learned counsel for the Petitioner submits that the Petitioner has been removed from service on the basis of an *ex parte* order dated 08.08.2024 and the same is violative of the principles of natural justice. He submits that the violation of principles of natural justice is further evidenced from the fact that the Enquiry Officer appointed to enquire into the charges framed against the Petitioner



was serving as a Deputy Commandant in the very same unit where the Petitioner was posted. He submits that the Enquiry Officer being part of the same unit was structurally and administratively aligned with the disciplinary authority thereby rendering the proceedings tainted with predisposition and lack of neutrality.

4. He submits that even during the course of evidence, no witness from the department/office of the Husband was examined.

5. *Per contra*, the learned CGSC submits that all the grounds taken by the Petitioner were duly considered by the concerned authorities before rendering a finding of guilt. He submits that the Petitioner deliberately did not take part in the enquiry proceedings, and thus no argument in relation to violation of natural justice can be taken at this stage.

6. Having heard the counsel and carefully traversed the record, at the outset, it is pertinent to note that it is well settled that while exercising jurisdiction under Article 226 of the Constitution of India, this Court does not sit in appeal over the orders passed by the concerned authorities. The scope of judicial review is limited to examining the decision-making process and not the correctness of the decision on merits. The High Court, while exercising writ jurisdiction, cannot delve into the exercise of reappreciating the evidence and substituting the factual findings recorded by the concerned authorities (Ref. *Syed Yakoob v K.S. Radhakrishnan* : 1963 SCC OnLine SC 24).



7. With that prism, this Court turns its gaze to the grounds agitated by the Petitioner. It has been emphasised that the punishment order was passed *ex parte* and that the Enquiry Officer appointed to examine the charges framed against the Petitioner belonged to the same unit as the Petitioner thereby having a factum of bias. It has further been asserted that certain purportedly crucial witnesses were never called to depose before rendering a finding of guilt. It has consequently been emphasised that the proceedings were vitiated and that the punishment order is liable to set aside.

8. Insofar as the ground in relation to the appointment of the Enquiry Officer from the same unit is concerned, it is pertinent to note that the CISF Rules, 2001, particularly Rule 36(2) does not put an embargo on the appointment of an Enquiry Officer from the same unit. Barring the fact that the Enquiry Officer belonged to the same unit, no other ground has been taken by the Petitioner to paint biasness on the Enquiry Officer.

9. Pertinently, serious charges have been framed against the Petitioner. The charges include the Petitioner entering into a marriage with one Yogesh Kumar when the first marriage of the said Yogesh Kumar was already subsisting. The Petitioner was also charged with dereliction of duty by deserting the Unit Line and duty station. The Petitioner was further charged with making a false claim that she had applied for 03 years extraordinary leave whereas no such application was submitted. In order to prove the said charges as many as 16 PWs



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were examined during the course of the departmental enquiry.

10. Initially, a complaint dated 22.05.2023 was preferred against the Petitioner by one Ms. Krishna Devi (claiming to be the wife of one Yogesh Kumar) thereby alleging that the Petitioner had married her husband during the subsistence of his marriage with her. Pursuant thereto, the complaint was forwarded for initiation of proceedings under Rule 36 of the CISF Rules, 2001.

11. The Petitioner, while denying the said charge, claimed that when she married Yogesh Kumar on 06.02.2018, he was unmarried. Later, the Petitioner also claimed that Yogesh Kumar was only in a live-in relationship with Krishna Devi and that Yogesh Kumar was never married to the said Krishna Devi. The Petitioner further claimed that there was no evidence to prove that Yogesh Kumar was ever married to Krishna Devi.

12. Evidently, in order to prove the first charge, the said Krishna Devi was examined during the course of the departmental enquiry, and she deposed that she married Yogesh Kumar in the year 1989. Furthermore, to prove the factum of marriage, Krishna Devi's brother, Charan Singh, and the two children of Yogesh Kumar and Krishna Devi were also examined. A wedding photograph of Yogesh Kumar and Krishna Devi was also produced to evidence their marriage. Further, the copies of Aadhar Card, Election ID, Educational Certificates of children of Yogesh Kumar and Krishna Devi, amongst other things, were also produced during the course of the departmental



enquiry. On the basis of the said materials, the Disciplinary Authority found that the Petitioner had married Yogesh Kumar, who already had a living spouse, thereby violating Rule 18 of the CISF Rules, 2001. Pertinently, despite ample opportunity, the Petitioner never turned up to attend the enquiry proceedings or came forth to cross examine the witnesses or contest the allegations levelled against her. The standard of proof in departmental enquiry is that of preponderance of probability, and the said threshold has rightly been found to be satisfied in the facts of the present case.

13. In regard to the other two charges, it was found that the Petitioner did not turn up for duty and absented from the duty station. As is borne out from the record, a search was conducted at the Petitioner's residence and also at CISF Unit line Ladies Barrack and the surrounding areas, however, the Petitioner was not found as a consequence of which the Petitioner was declared absent without leave. The record reflects that despite call up notices sent by the Unit, the Petitioner remained absent from duty and duty station with effect from 09.07.2023 till the issuance of the final penalty order. Further, during the course of the departmental enquiry, HC/GD Dharmendra Kumar and other witnesses including the Coy Commander were also examined who denied to have received any leave application from the Petitioner on 05.05.2023 for 03 years extraordinary leave. On the basis of the aforesaid, all three charges levelled against the Petitioner were found to be proved.



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14. Even otherwise, in the opinion of this Court, the grounds taken by the Petitioner pertaining to the Enquiry Officer belonging to the same unit as much as the punishment order being *ex parte* and crucial witnesses not being called have no legs to stand on. At the cost of repetition, as noted above, the Petitioner deliberately absented herself from the enquiry proceedings. Further, the Appellate order as well as the Revisional Order categorically record that the Petitioner was given full opportunity to cross examine witnesses and produce her defense, however, she failed to participate in the enquiry proceedings. It was further noted that despite ample opportunities to present her case, the Petitioner did not turn up to attend the enquiry proceedings much less to controvert the allegations of charge levelled against her. The grounds thus pressed by the Petitioner at this juncture do not bolster her case.

15. As noted above, this Court, in exercise of writ jurisdiction ought not delve into the exercise of reappreciating the evidence and substituting the factual findings recorded by the concerned authorities.

16. In the present case, the punishment order passed by the Disciplinary Authority is helmed on cogent factual findings and the same has also been upheld by the Appellate Authority and the Revisional Authority while dismissing the appeal and revision preferred by the Petitioner respectively. In view of the aforesaid, this Court does not find any ground to warrant exercise of writ jurisdiction.



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

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

MAY 29, 2026

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