



2026:DHC:4114-DB



\$~6 & 7

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

%

Date of Decision: 25.04.2026

(6)

+ **LPA 48/2025 & CM APPL. 3864/2025**

DHARMENDRA GOYAL

.....Appellant

Through: Mr. Sudhir Sharma, Advocate with
Mr. Dharmendra Goyal, Petitioner in
person.

versus

CHAIRMAN, DSPG SOCIETY & ANR.

.....Respondents

Through: Ms. Shoumendu Mukherji, Ms.
Megha Sharma, Mr. Aniruddha
Ghosh and Ms. Surabhi Tuli,
Advocates for DSPG.

(7)

+ **LPA 51/2025 & CM APPL. 4039/2025**

RAJEEV GARG

.....Appellant

Through: Mr. Sudhir Sharma, Advocate.

versus

CHAIRMAN DSPG SOCIETY & ANR.

.....Respondents

Through: Ms. Shoumendu Mukherji, Ms.
Megha Sharma, Mr. Aniruddha
Ghosh and Ms. Surabhi Tuli,
Advocates for DSPG.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA



TEJAS KARIA, J. (Oral)

1. The matter is taken up today as 03.03.2026 was declared a holiday *vide* Notification No. 64/G-4/Genl.-I/DHC dated 27.02.2026.
2. The present Appeals are filed against the common order dated 03.10.2024 (“**Impugned Order**”) passed in W.P.(C) 5227/2017 and W.P.(C) 5733/2017 (“**Writ Petitions**”) filed by the Appellants seeking the following reliefs:

W.P.(C) 5727/2017

“(a) Pass a writ, order or direction in the nature of declaration declaring the action of the Respondent No.1 in terminating the services of the Petitioner was arbitrary and against the principles of natural justice since no Inquiry was held to come to such a conclusion;

(b) Pass a writ, order or direction in the nature of certiorari declaring the Show Cause Notice dated 19/05/2017 as illegal and consequently quashing the same;

(a) Pass a writ, order or direction in the nature of mandamus directing the Respondents to disburse all the consequential dues of the Petitioner due to his illegal termination including his terminal dues like leave encashment. Gratuity etc.;”

W.P.(C) 5773/2017

“(a) Pass a writ, order or direction in the nature of declaration declaring the action of the Respondent No. 1 in terminating the services of the Petitioner was arbitrary and against the principles of natural justice since no Inquiry was held to come to such a conclusion and the Petitioner had withdrawn his forced resignation dated 9th May 2017 on the same day itself;

(b) Pass a writ, order or direction in the nature of mandamus directing the Respondents to re-instate the Petitioner



OR IN THE ALTERNATIVE

(c) disburse all the dues of the Petitioner including all consequential benefits due to him for his illegal termination and his other terminal dues like leave encashment. Gratuity etc. be released;”

3. By way of the Impugned Order, the learned Single Judge has dismissed the Writ Petitions on the ground that termination orders impugned by the Appellants were not appended to the Writ Petitions and, therefore, no relief could be granted for declaring the termination of services of the Appellants as arbitrary or against the principles of natural justice and / or the consequential relief of terminal dues etc.

4. According to the Appellants, the brief factual matrix leading to the filing of the present Appeals is as under:

LPA No. 48/2025

4.1. The Appellant was appointed as a Principal by Respondent No. 1 on 03.10.2013. On 14.04.2017, the Appellant applied for leave on account of miscarriage suffered by his wife as she was under lot of stress and trauma. The said request for leave was turned down by Respondent No. 1 due to the ongoing agitation by the parents on account of increase in fee since the Academic Session 2013-14.

4.2. On 16.04.2017, the HR Manager of Respondent No. 1 informed the Appellant that his leave will be considered as per the rules and on 17.04.2017, the Director HR of Respondent No. 1 banned the entry of the Appellant in the School, and his official e-mails were also blocked. Respondent No. 1 appointed a new in-charge Principal in place of the Appellant.



2026:DHC:4114-DB



- 4.3. On 19.05.2017, the Appellant was served with a show cause notice alleging the misappropriation of a fund of ₹50,00,000/-. On 24.05.2017, the Appellant requested for full and final settlement of his dues.
- 4.4. The Appellant submitted response to the show cause notice on 05.06.2017 denying the allegations made in the show cause notice.
- 4.5. As the dues of the Appellant was not paid by Respondent No. 1, the Appellant preferred the writ petition being W.P.(C) 5227/2017 declaring the action of Respondent No. 1 terminating the service of the Appellant as arbitrary and against the principles of natural justice since no enquiry was held to come to such a conclusion. The Appellant further sought declaration that the show cause notice was illegal and direction to Respondent No. 1 to disburse all the consequential dues of the Appellant due to his illegal termination including his terminal dues like leave encashment, gratuity, etc.

LPA No. 51/2025

- 4.6. The Appellant was appointed as an Accountant by Respondent No. 1 *vide* letter dated 10.10.2011. On 09.05.2017, the Appellant was forced to resign by Respondent No. 1 and also was compelled to give a statement against the then Principal (Appellant in LPA No. 48/2025) on the premise that Respondent No. 1 would not take any action against the Appellant if he did so.
- 4.7. After reaching home on 09.05.2017, the Appellant sent an e-mail to Respondent No. 1 and withdrew his forced resignation with



2026:DHC:4114-DB



immediate effect. However, the Appellant did not receive any communication post his withdrawal of resignation on 09.05.2017 from Respondent No. 1. Therefore, the Appellant sent e-mails on 11.05.2017, 13.05.2017 and 18.05.2017. Thereafter the Appellant received a call from HR Head of Respondent No. 1 asking the Appellant to meet him. Accordingly, the Appellant visited the office of Respondent No. 1 on 22.05.2017. During the said meeting the Appellant was asked to be an approver in the case of the then Principal (Appellant in LPA No. 48/2025) against whom Respondent No. 1 was contemplating legal action. The Appellant was informed that he would be spared, if he agrees to be an approver, otherwise Respondent No. 1 would initiate criminal proceedings against the Appellant also. The Appellant sent an e-mail dated 22.05.2017 recording the discussion that happened during the meeting between the Appellant and the HR Head of Respondent No. 1 on 22.05.2017 and requesting Respondent No. 1 to allow the Appellant to join the office or else settle his account as per terms of his appointment letter so that he could start earning for his family and paying of the outstanding liabilities.

- 4.8. The Appellant issued legal notice through his advocate on 10.06.2017 calling upon Respondent No. 1 to reinstate the Appellant in his services or in the alternative disburse the statutory and other dues including the terminal dues, which were withheld illegally by Respondent No. 1.



2026:DHC:4114-DB



4.9. As no response was received from Respondent No. 1, the Appellant filed the writ petition being W.P.(C) No. 5733/2017.

5. The Appellants have assailed the Impugned Order, contending that the principal relief sought in the Writ Petitions was a declaration that the action of Respondent No. 1 in terminating their services was arbitrary and violative of the principles of natural justice, inasmuch as no enquiry was conducted by Respondent No. 1 after issuance of the show cause notice in the case of the Appellant in LPA No. 48/2025 and after withdrawal of resignation in the case of the Appellant in LPA No. 51/2025.

6. It is an admitted position that Respondent No. 1 did not pass any order terminating the services of the Appellant in LPA No. 48/2025 in accordance with the terms of the Appointment Letter dated 03.10.2013, which stipulated that, where either party seeks termination, three months' written notice was required. The Appointment Letter further provides that, in the event the employee is found guilty of misrepresentation, misconduct, insubordination, non-performance, intemperance, dereliction of duty, violation of any term of appointment, or any other conduct unbecoming of an employee, neither notice nor salary in lieu thereof would be payable.

7. In the case of the Appellant in LPA No. 48/2025, the show cause notice dated 09.05.2017 called upon him to submit a written explanation as to why Respondent No. 1 should not initiate criminal or other legal proceedings against him. In response thereto, the Appellant, by response dated 05.06.2017, denied the allegations contained in the show cause notice and called upon Respondent No. 1 to release his dues forthwith, including three months' salary in lieu of notice, leave encashment for 105 days,



2026:DHC:4114-DB



gratuity, and other terminal benefits with interest at the rate of 18% per annum. Despite the said reply, there is nothing on record to indicate that Respondent No. 1 conducted any enquiry, passed any order terminating his services, or adjudicated his claim for payment of outstanding dues.

8. Even in the case of the Appellant in LPA No. 51/2025, no decision appears on record after withdrawal of his resignation, nor was any response issued by Respondent No. 1 to the legal notice dated 10.06.2017.

9. Accordingly, the grievance raised in the Writ Petitions was that Respondent No. 1 neither terminated the services of the Appellants in accordance with due process of law nor released their outstanding dues.

10. The learned Single Judge dismissed the Writ Petitions by the Impugned Order solely on the ground that no termination orders had been appended thereto and that, despite repeated queries, learned counsel for the Appellants was unable to assist the Court as to when such termination orders had been passed or why copies thereof had not been placed on record. The Impugned Order further records that, in the absence of any termination orders having been passed against the Appellants, no relief could be granted declaring the termination of their services to be arbitrary or violative of the principles of natural justice.

11. A perusal of the counter affidavit filed by the Respondents in the Writ Petitions before the learned Single Judge discloses that, after receipt of the reply to the show cause notice from the Appellant in LPA No. 48/2025, no further action was taken by Respondent No. 1 to terminate his services. Respondent No. 1 has taken the stand that the said Appellant had joined new employment even before conclusion of the enquiry and had left service in



2026:DHC:4114-DB



contravention of the employment conditions contained in the service agreement. It is further stated in the counter affidavit that the said Appellant left employment *suo motu*, without intimation, and joined another employment.

12. The Respondents have further stated in their counter affidavit before the learned Single Judge that the Appellants were acting in concert and were involved in several conspiratorial acts intended to secure unlawful gain, and that the Writ Petitions were filed as a counterblast to the criminal complaint instituted by the Respondents.

13. The Appellants have submitted that they had approached the High Court of Judicature at Allahabad in relation to the criminal complaint lodged by the Respondents, whereupon the police were directed not to take any coercive steps against them. It is further submitted that, upon investigation, no evidence was found against the Appellants, and the FIR came to be closed.

14. In view of the aforesaid, it is evident that no termination orders were passed by the Respondents either terminating the services of the Appellants or accepting the resignation of the Appellants. Consequently, the question of annexing such non-existent orders to the Writ Petitions did not arise. The challenge in the Writ Petitions was directed against the inaction of the Respondents in not passing any termination order in accordance with law while nevertheless treating the employment of the Appellants as having come to an end, despite receipt of the reply to the show cause notice from the Appellant in LPA No. 48/2025 and the legal notice from the Appellant in LPA No. 51/2025. The grievance of the Appellants before the learned Single



2026:DHC:4114-DB



Judge, therefore, pertained to the failure to act upon the said reply and legal notice. However, the learned Single Judge declined to entertain the Writ Petitions on the ground that no termination orders were on record and that, in the absence thereof, no relief could be granted.

15. When the Appellants had specifically challenged the inaction of the Respondents in failing to issue termination orders in accordance with law, the insistence of the learned Single Judge on production of such termination orders as a precondition for entertaining the Writ Petitions was, in our view, unwarranted. The counter affidavits filed by the Respondents clearly admit that no enquiry was conducted and that no formal orders of termination were ever passed.

16. In the above circumstances, the Writ Petitions ought to be decided on their own merits without insisting upon production of copies of termination orders, as they do not exist in the facts of the present case, as admitted in the respective pleadings of the parties.

17. Accordingly, the Impugned Order is set aside and the Writ Petitions are restored to their original numbers for fresh adjudication of all issues arising therein, without insisting upon production of copies of termination orders.

18. We clarify that we have not expressed any opinion on the merits of the rival claims of the Parties, including the objection raised by the Respondents regarding the maintainability of the Writ Petitions on the ground that Respondent No. 1 is a private body and not “State” within the meaning of Article 12 of the Constitution of India, 1950. All contentions are



2026:DHC:4114-DB



left open to be urged before the learned Single Judge, who shall decide the Writ Petitions uninfluenced by any observations contained herein.

19. Accordingly, both the present Appeals stand allowed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

APRIL 25, 2026

ap