



2026:DHC:762-DB



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

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*Judgment reserved on: 15.01.2026*

*Judgment pronounced on: 31.01.2026*

*Judgment uploaded on: 31.01.2026*

+ W.P.(C) 4181/2022 & CM APPL. 12528/2022, CM APPL. 12530/2022, CM APPL. 21213/2024

SH. SAPAN SUMAN .....Petitioner

Through: Ms. Kanika Agnihotri, Mr. Vaibhav Agnihotri, Mr. Ankit Singh, Mr. Vudit Pratap Singh, Mr. Harshit Kiran, Ms. Suruchi Khandelwal and Ms. Khushi Anand, Advs.

versus

UNION OF INDIA & ORS.

Through:

.....Respondents

Ms. Arunima Dwivedi, CGSC with Ms. Himanshi Singh, Ms. Monalisha Pradhan, Advocates. Mr. Vinod Sawant, Law Officer, Mr. Avinash Yadav, I/C (C.R. Vig.) and Mr. Ramniwas Yadav, CRPF for Union of India.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

### **JUDGMENT**

**ANIL KSHETARPAL, J.:**

1. By way of the present petition, the Petitioner assails the correctness of an Office Order dated 02.02.2015 issued by the Respondent No.2, leading to an Inquiry Report dated 01.11.2021 and a consequent Show Cause Notice dated 09.02.2022 issued against the



Petitioner.

### **BRIEF FACTUAL MATRIX:**

2. The issues requiring adjudication of this Court in the present Petition are two-folded. *Firstly*, whether the Respondent No.2 has failed to act in compliance with the prescribed rules under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [hereinafter referred to as 'Rules of 1965'] and the Office Memorandum dated 16.07.2015 issued by the Department of Personnel and Training ('DoPT') [hereinafter referred to as OM of 2015] thereby rendering the inquiry report and all consequential proceedings *void ab initio* in eyes of law. *Secondly*, the question arises whether a constitutional court should interfere at a stage when final order in the Disciplinary Proceedings, arising from the complaint of sexual harassment at workplace, has not yet been passed, in absence of patent illegality.

3. Since the issues before this Court pertains solely with respect to the misapplication of law, it is considered neither necessary nor appropriate to set out the detailed factual matrix leading to the present case. In view thereof, only the facts relevant and/or material for the adjudication of the issues at hand shall be referred to hereinafter.

4. The Respondent No.2 in the month of November 2014, issued a Standing Order No. 08/2014 [hereinafter referred to as 'SO of 2014'] implementing the provisions of the Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [hereinafter referred to as 'Act of 2013'] and reiterating the



applicability of relevant service rules to the Charged Officers. On 17.01.2015, the Respondent No.4 filed a complaint of sexual harassment against the Petitioner and his senior, Mr. R. Rajasekaran under Rule 3(c) of Central Civil Service (Conduct) Rules, 1964 [hereinafter referred to as 'Rules of 1964'].

5. Pursuant to the aforesaid complaint, the Respondent No.2 *vide* Order No. C.IV.-01/2015-Vig dated 02.02.2015 [hereinafter referred to as 'Impugned Order/IO of 2015'] constituted CLICC/Respondent No.3 for inquiry of the aforesaid complaint, in accordance with the statutory provisions prevailing at the time, including the Act of 2013, SO of 2014 and Rule 14 of the Rules of 1965. Parallelly, the OM of 2015 was issued by the DoPT, prescribing implementation of '*Steps for Conduct of Inquiry in complaints of Sexual Harassment*' to be adopted by the Complaints Committees of the respective departments.

6. Whereafter, the proceedings before Respondent No.3 were conducted in stages, with changes in its composition over time to ensure continuity. The Respondent No.3, while adhering to the procedural guidelines as per the mandatory relevant statutory provisions, afforded the Petitioner multiple opportunities to be heard, including the right to submit his written submission, raise objection and provide documents and witnesses supporting his case.

7. Consequently, Respondent No.3 upon appreciation of statements and evidence produced before it by the Petitioner and Respondent No.4 submitted the impugned Inquiry Report dated 01.11.2021 [hereinafter referred to as 'Impugned Report/IR of 2021']



to the Disciplinary Authority. As per the IR of 2021, the imputations of misconduct against the Petitioner stood proved as he was found indulged in sexually harassing the Respondent No.4, thereby recommending strict disciplinary actions to be initiated against the Petitioner. Resultantly, the Respondent No.1/Disciplinary Authority, while accepting the IR of 2021, issued the impugned Show Cause Notice dated 09.02.2022 [hereinafter referred to as 'Impugned Notice/IN of 2022'], calling upon the Petitioner to file its written representation.

8. Aggrieved, by the IN of 2022, IR of 2021 and IO of 2015, the present petition has been filed assailing their correctness.

9. This Court has heard learned counsel representing the parties and with their able assistance has perused the paperbook.

### **CONTENTION OF THE PARTIES:**

10. Before delving into the examination of the arguments raised by the parties, this Court deems it appropriate to reproduce the relevant provisions of CCS (CCA) Rules, which form a substantial part of the arguments advanced by the learned counsel for the parties:

#### ***"14. Procedure for imposing major penalties***

*(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.*

*Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be*



deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

*Explanation.—*

(i) Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(ii) Where the disciplinary authority appoints a retired Government servant as inquiring authority, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) shall include such authority.

(3) Where it is proposed to hold an inquiry against a Government servant under this rule and rule 15, the disciplinary authority shall draw up or cause to be drawn up—

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain—

(a) a statement of all relevant facts including any admission or confession made by the Government servant;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(8) (a) The Government servant may take the assistance of any other Government servant posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits; Provided that the Government servant may take the assistance of any other Government servant posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

*Note : The Government servant shall not take the assistance of any other Government servant who has three pending disciplinary cases on hand in which he has to give assistance.*

(b) The Government servant may also take the assistance of a retired Government servant to present the case on his behalf, subject to such conditions as may be specified by the President from time to time by



*general or special order in this behalf. ”*

### **CONTENTION ON BEHALF OF THE PETITIONER:**

11. Learned Counsel for the Petitioner, while assailing the entire proceedings undertaken by Respondent No.3, has made the following submissions:

11.1 It has been argued that the IO of 2015, through which the Respondent No.3 came to be constituted, is illegal and in clear violation of Rule 14(2) of the Rules of 1965. According to the Petitioner, the said order was neither issued at the behest of Respondent No.1 nor after obtaining its approval, despite the Respondent No.1 being the appropriate authority to approve the initiation of disciplinary proceedings.

11.2 Secondly, it is contended that the Respondent No.2, while forwarding the IR of 2021 to the Respondent No.1 and issuing the IN of 2022, failed to appreciate the binding effect of OM of 2015, issued by the DoPT. It was argued that under the said OM, the IR of 2021 was merely in the nature of a preliminary report and could not form the basis for initiation of disciplinary proceedings until and unless it was formally accepted by the competent authority.

11.3 Further, with respect to the OM of 2015, it has been argued by the learned counsel for the Petitioner that the inquiry contemplated thereunder is to be conducted in three stages. As per the said OM, while the Respondent No.3 may assume the role of the Inquiry Authority, such change occurs only at the second stage of the process. Since the second stage was never formally initiated in the present



case, the assumption of jurisdiction by Respondent No.3 is contended to be without the authority of law.

11.4 Thirdly, it was urged that the inquiry proceedings are vitiated by a patent violation of Rule 14(3) of the Rules of 1965, in as much as no Article of Charge was ever issued to the Petitioner, rather the complaint filed by the Respondent No.4 was treated as an Article of Charge. In this regard, reference has been made to Rules 14(2) and 14(3) of the Rules of 1965, to argue that the stage of issuance of Article of Charge, under the latter rule is distinct from that of the approval of initiation of inquiry under the former rule, both of which are mandatory. Against this backdrop, it is their case that failure to provide a Article of Charge to the Petitioner has deprived him of a fair opportunity to defend himself, thereby violating the principles of natural justice and rendering the inquiry without jurisdiction.

11.5 Fourthly, it has been contended that the inquiry initiated in 2015 is *non est* in law, as the principal allegations were against his senior officer who was exempted from the proceedings on 24.11.2016 upon acceptance of his written apology by the Respondent No.4. Consequently, the continuation of proceedings against the Petitioner, including the issuance of the IN of 2022, was without jurisdiction and a nullity in law.

11.6 Lastly, it has been argued that the Respondent No.3 has acted arbitrarily and with manifest bias by selectively deviating from the prescribed procedure to the benefit of Respondent No. 4, while summarily rejecting the Petitioner's lawful request to engage a legal



practitioner as Defence Assistant, despite such engagement being permissible under Rule 14(8)(a) of the Rules of 1965.

### **CONTENTION ON BEHALF OF RESPONDENT NOS. 1 TO 3:**

12. *Per contra*, learned counsel for the Respondent Nos. 1 to 3 has made the following submissions:

12.1 Controverting the arguments advanced by the Petitioner with respect to the OM of 2015, it has been argued that the complaint was filed in January 2015, at that point in time, the governing legal framework comprises of the Act of 2013, SO of 2014, Rule 14 of the Rules of 1965 and the applicable service regulations. It has been argued that the OM of 2015, was not in existence when the present complaint was received and therefore has no application to the facts of the present case.

12.2 It is further argued that as per the law and rules applicable during the relevant time, complaints of sexual harassment were to be directly referred to the designated CLICC, without any requirement of a preliminary inquiry or issuance of a formal Article of charge. In accordance with these provisions, the Respondent No.2 duly framed two Articles of Charge against the Petitioner and his senior, based on the allegations made in the complaint, along with providing the Petitioner with the copy of the Complaint.

12.3 As far as the argument pertaining to the prior of approval of the Respondent No.1, it has been submitted that once a complaint is received, it is the statutory duty of the employer to refer it to the



Committee, without approval from the Respondent No.1. In the present case, the IR of 2021 was duly accepted by the Respondent No.1, thereby providing the Petitioner an opportunity to submit his representation within 15 days, in compliance with Rule 15(2) of the Rules of 1965.

12.4 It is the case of the Respondents that the IR of Respondent No.3 merely functions as a recommendation, and the relevant Disciplinary Authority alone has the competence of impose penalty. As such it is the case of the Respondent Nos.1 to 3 that the present petition is liable to be rejected, being pre-mature, reliance in this regard has been placed on the judgment of Karnataka High Court in W.P. 59536/2017 captioned ***Sri B.K. Mohanty v. Hindustan Aeronautics Limited and Others*** and the judgment of this Court in W.P. (C) 4756/2014 captioned ***Dr. Sonali Badhe v. Ashish Chandra Singh & Others***.

12.5 Lastly, with respect to the arguments raised regarding the jurisdiction of the Respondent No.3 to initiate inquiry a reference is made to the proviso of Rule 14(2) of the Rules of 1965, to argue that the complaint committee established in each department, for inquiring into complaints filed under Rule 3(c) of Rules of 1964, shall be deemed to be the inquiring authority appointed by the Disciplinary Authority. Accordingly, the Respondent No.3 had the requisite right and authority to initiate inquiry proceedings.

### **ANALYSIS & FINDINGS:**

13. At the outset, it becomes pertinent to delineate the precise stage of the proceedings at which the present petition has been instituted. A



perusal of the record reveals that it is undisputed that no final order in the disciplinary proceeding has yet been passed pursuant to the IN of 2022. Nevertheless, the Petitioner has approached this Court under Article 226 of the Constitution of India, 1950 assailing the IO of 2015, the IR of 2021 and the IN of 2021, at a stage when the disciplinary proceedings remain sub-judice before the competent authority.

14. The law regarding the maintainability of a writ petition, specifically, at the stage of issuance of Show Cause Notice or Article of charge, is well settled. In this regard, a reference may be made to the judgment of Supreme Court in *Union of India v. Kunisetty Satyanarayana*<sup>1</sup>, wherein the Court has authoritatively held that a writ petition challenging a show-cause notice or a Article of Charge is ordinarily premature, as such a notice, by itself, does not give rise to any civil consequences or adverse order upon the noticee.

15. However, an exception has also been carved out by the Supreme Court in *Kunisetty Satyanarayana* (Supra), clarifying that the extraordinary writ jurisdiction can be invoked at the notice stage if the notice so issued, is found to be wholly without jurisdiction or is patently illegal. It is in this backdrop that, we now proceed to examine the facts of the present case, particularly in the context of the argument advanced by learned counsel for the Petitioner that the Respondent No.3 was not validly constituted under Section 14(2) of the Rules of 1965 and lacked the authority to initiate the inquiry proceedings.

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<sup>1</sup> (2006) 12 SCC 28



16. Notably, in the present case, the challenge to IO of 2015 and the IR of 2021 is essentially collateral to, and occasioned by, the issuance of the IN of 2022, which is purely in the nature of a show-cause notice issued by a Disciplinary Authority on the basis of the report submitted by Respondent No.3. Additionally, it also bears importance that the disciplinary process is still in progress, and the Petitioner has been expressly called upon to submit his representation under Rule 15(2) of Rules of 1965.

17. With respect to the objection raised by the Petitioner regarding the constitution of Respondent No.3, this Court is convinced by the submissions made on behalf of the Respondent Nos.1 to 3, who have correctly pointed out that, by virtue of proviso to Rule 14(2) of the Rules of 1965, the Respondent No.3 is deemed to be the Inquiring Authority for all complaints filed under Rule 3(c) of the Rules of 1964, and that the report filed by it functions as the inquiry report for the purpose of the disciplinary rules.

18. In view of the proviso to Rule 14(2) of the Rules of 1965, this Court is unable to discern any exceptional circumstances that would justify a departure from the statutory provisions, thereby rendering the entire inquiry proceedings, null and void, making it amenable to the extraordinary writ jurisdiction.

19. Learned counsel for the Petitioner has also argued that the inquiry proceedings initiated by Respondent No.3 stands vitiated on account of non-compliance of Rule 14(3) of the Rules of 1965, since no separate Article of Charge was issued and the complaint itself was



treated as the Article of Charge. However, a perusal of the proceedings dated 18.03.2015 before Respondent No.3, forming part of the present petition, evidently shows that, as on the said date, the Petitioner had been duly served with the complaint along with all annexures thereto. In this regard, it is pertinent to note that the purpose of issuance of Article of Charge under Rule 14(3) of the Rules of 1965 is to make the delinquent aware of the specific imputation of misconduct, thereby affording him a reasonable opportunity to understand the nature and extent of the allegations made against him.

20. Moreover, the purpose of holding domestic inquiry/disciplinary proceeding is also to grant an appropriate opportunity to the charged officer to prove his defence and establish that he is not guilty of the misconduct being alleged. Articles of Charges as the name suggest are the substances of the misconduct being alleged by the employer/complainant. Once the complaint containing the alleged misconduct has been supplied, the Petitioner was apprised of the alleged misconduct. The purpose of supply of Articles of Charges stands fulfilled, once the complaint containing the alleged misconduct has been supplied. Moreover, the Petitioner has failed to show any prejudice suffered by him upon failure to supply Articles of Charges.

21. Domestic inquiry is a fact-finding inquiry which is not governed by strict procedural provisions such as Evidence Act or other statutes alike. The purpose of domestic inquiry is to follow the principles of natural justice, while granting the charged officer sufficient opportunity to prove his innocence. Originally, efforts were made to keep the domestic inquiry/disciplinary proceedings



unaffected by procedural wrangles which result in delay adversely impacting the complainant and the employer. Hence, while interpreting the provisions of domestic inquiry, efforts must be made to look at the substance and not the form or the procedure. Once the principles of natural justice have been followed by granting sufficient opportunity to the charged officer, it is not expected from the Courts to interfere with violations of procedural provision, if any. Expedited disposal of the domestic inquiry is need of the hour and would be in the interest of everyone, especially in the complaints of sexual harassment at workplace.

22. It is for this purpose that a multi-member committee, constituted to inquire into such allegations, was envisaged in the judgment passed in *Vishakha & Ors. v. State of Rajasthan & Ors.*<sup>2</sup>, which was followed by statutory enactment in the form of Act of 2013. The object sought to be achieved by the enactment should not be allowed to be frustrated by the rules of procedure, which are for the purpose of advancing the cause of justice.

23. In the present case, admittedly, the complaint was handed over to the Petitioner, consequently, the alleged omission in issuance of a distinct Article of Charge can, at best, be regarded as a procedural irregularity which does not go to the root of jurisdiction, particularly when no prejudice has been shown to have been caused to the Petitioner's substantive rights. Additionally, the Petitioner is also estopped from taking up the issue at this stage once he has participated in the disciplinary inquiry and report has been submitted.

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<sup>2</sup> (1997) 6 SCC 241



24. Moreover, the Petitioner, despite being represented at various stages of the inquiry proceedings, did not raise any objection to the continuation of the inquiry on the ground that he has not been supplied Articles of Charges and as such was unaware of the precise charges. On the contrary, he actively participated in the proceedings and by his categorical defence statement dated 31.08.2020, expressly stated that he did not wish to produce any further witnesses or documents.

25. The Petitioner, having actively participated in the inquiry, and concluded his defence before Respondent No.3, cannot now raise a plea that no proper Article of Charge was issued, such a plea would amount to approbation and reprobation in the same breath. Additionally, a perusal of his statement reveals that it was the Petitioner himself who refused to participate in the procedural opportunities provided to him during the course of inquiry, having categorically stated that he was not inclined to produce any witness or further documents in support of his case. The relevant extract from the Defence Statement before the Respondent No.3 is reproduced hereinbelow:

*“I would like to reiterate that the whole case is a conspiracy against me by planting a story and evidences. But I have already brought forth all the inconsistencies and lacuna in the story. I don’t think that anything further is required to sustain my defense and I am not inclined to produce any witness or further documents in the case. Relevant materials and full narration of the events are being attached with this statement. And I request the committee to decide the case in the light of my submission and give me the justice that I deserve.”*

26. To the extent the Petitioner contends that the OM of 2015 should operate retrospectively to invalidate or reset the proceedings commenced in early 2015, this Court is unable to accept such a



proposition. In this regard, the chronology of the present case holds significance, undisputedly, the complaint was filed in January, 2015, whereas the Respondent No.3 was constituted by way of IO of 2015, on 02.02.2015, and the proceedings were already underway when the said OM came into effect on 16.07.2015.

27. It is important to bear in mind that the OM is merely an administrative procedural guideline, which, in the ordinary course, applies prospectively unless it is expressly made retrospective. The Petitioner has failed to point out any provision in the OM suggesting that it is intended to operate retrospectively leading to nullification of proceedings already commenced. It is pertinent to note that the OM is not a substantive statute conferring vested rights, but is merely intended to streamline the process, and, therefore, cannot be effectuated retrospectively to annul inquiries that had already been validly initiated under the Act of 2013 and the Rules of 1964 and 1965.

28. To accept the Petitioner's argument would mean that every sexual-harassment inquiry set in motion prior to 16.07.2015 would have to be aborted and restarted, thereby leading to inordinate delays and potential denial of justice to the complainants, an outcome antithetical to both the Act of 2013 and the DoPT's own emphasis on expeditious and effective disposal of such complaints.

29. As far the arguments advanced by the Petitioner with respect to the merits of the case is concerned, in particular, the alleged denial of the right to engage a legal practitioner and the continuation of



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proceedings against the Petitioner alone after his senior was exempted, such contentions are left open to be urged before the competent/disciplinary authority.

### **CONCLUSION:**

30. In view of the foregoing discussion, this Court finds no merit in the present Petition.

31. Accordingly, the present Petition is dismissed.

32. Needless to state that the observations made herein shall not be construed as an expression of opinion on the findings of the inquiry report, which are subject to examination by the Competent/Disciplinary Authority independently and uninfluenced by the observations made hereinabove.

33. All the pending applications stand closed.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**JANUARY 31, 2026**

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