



2026:DHC:4262-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6471/2026 & CM APPL. 31921/2026, CM APPL.
31922/2026

UNION OF INDIA & ORS.Petitioners
Through: Mr. Himanshu Pathak, SPC
along with Mr. Mohit Gupta, Adv.

versus

RAJA RAM MEENARespondent
Through: Mr. Sachin Chouhan, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **12.05.2026**

OM PRAKASH SHUKLA, J.

1. The present Writ Petition has been filed seeking setting aside of the judgment dated 13.11.2025, passed by the Central Administrative Tribunal¹, Principal Bench, New Delhi in Original Application No. 1603 of 2024, wherein the Tribunal directed the reinstatement of the Respondent.
2. The relevant facts necessary for adjudication are set out below.
3. The Respondent applied for the post of Beldar (ST) pursuant to

¹ "Tribunal" hereinafter



2026:DHC:4262-DB



the advertisement issued by the Central Public Works Department². In support of the application, the Respondent submitted a School Transfer Certificate and a Caste Certificate, both issued by the competent authority. It is the case of the Petitioners that the Respondent's eligibility for appointment was predicated solely upon the production of these documents.

4. Thereafter, the Respondent was provisionally appointed as Beldar *vide* Office Memorandum dated 17.10.2014 and joined the office of the Executive Engineer, Shimla Central Division-II, Shimla, with effect from 17.10.2014. Thereafter, in the year 2017, the Respondent was transferred to the office of the Executive Engineer, Safdarjung Hospital Division, CPWD, Delhi.

5. It is the case of the Petitioners that, based on the recommendations of the Chief Vigilance Officer, Vigilance Unit, Central Public Works Department, and the Directorate Office, Central Public Works Department, New Delhi, the relevant documents submitted by the Respondent were forwarded by the Office of the Director General (Coordination), Northern Region, Central Public Works Department, New Delhi, to the District Magistrate, Collectorate, Karauli, Rajasthan, for verification *vide* Office Letter No. 55(8)/Vig.(Report) DDG(Coord)/NR/SRD/2699 dated 20.09.2017.

6. It is further the case of the Petitioners that the Addl. District Collector/District Magistrate, Karauli, submitted a report stating that,

² "CPWD" hereinafter



2026:DHC:4262-DB



as per the available records, the details mentioned in the School Transfer Certificate could not be verified. Consequently, the authenticity of the School Transfer Certificate was referred to the SE, Delhi Circle-X, CPWD, New Delhi. Allegedly, a two-member team was deputed to the concerned school for verification. The Principal of the school reportedly stated that the particulars mentioned in the Transfer Certificate, including admission details, date of birth, and other relevant entries, did not match the school records, and the certificate appeared not to have been issued in accordance with the official school records.

7. On the basis of the above reports, it was alleged that the Respondent had submitted forged or fraudulent documents at the time of appointment. Such submission, it is contended, constituted a violation of the conditions of the offer of appointment and attracted disciplinary action under Rules 3(1)(i), 3(1)(vi), and 3(1)(xviii) of the CCS Conduct Rules, 1964.

8. Consequently, disciplinary proceedings were initiated against the Respondent under Rule 14 of CCS(CCA) Rules, 1965, and a charge-sheet was issued by the Superintendent Engineer, Delhi Cadre- 10. The relevant portion of the charge-sheet is reproduced below for ready reference:

“7. That Sh. Raja Ram Meena (Beldar) S/o Sh. Mohan Lal Meena has submitted fake documents & thus breached the conditions mentioned under Sr. No. 8,14,23 · & 30 of letter of offer of appointment and thus has made himself liable for disciplinary proceedings under following CCS Conduct Rules: .Rule-3(1) (i), 3 (vi) & 3 (xviii) of CCS (Conduct) Rules-1964 provides as below:



Every Government servant shall at all the times;

3(1) (i). maintain absolute integrity.

3(1) (vi)- maintain high ethical standards and honesty.

3(1) (xviii)- refrain from doing anything which is or may be contrary to any law, rules regulations and established practices.

By committing the above misconduct Sh. Raja Ram Meena (Beldar) S/o Sh. Mohan Lal Meena failed to:

- i) Maintain absolute integrity.
- ii) Maintain high ethical standards and honesty
- iii) Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices

And he has contravened Rule 3(1) (i), 3 (vi) & 3 (xvii) of CCS (Conduct) Rule-1964 and also violated terms & conditions of offer of appointment.”

9. The Respondent denied the charges *vide* his representation dated 12.01.2022. Notwithstanding the same, the disciplinary authority appointed an Inquiry Officer to inquire into the charges framed under the CCS (CCA) Rules, 1965.

10. The Inquiry Officer submitted the inquiry report, which reflected that, during the course of the proceedings, the Respondent failed to produce any documentary or oral evidence capable of refuting the report submitted by the ADM, Karauli. The Inquiry Report, in substance, concluded that the allegations against the Respondent were established.

11. The Respondent was thereafter provided an opportunity to submit a representation upon receipt of the inquiry report, pursuant to



2026:DHC:4262-DB



which he submitted his representation dated 11.07.2022.

12. The competent authority, after considering the representation, rejected the same and dismissed the Respondent from service in exercise of the powers conferred under Rule 11, Section (ix) of the CCS (CCA) Rules, 1965.

13. Aggrieved by his dismissal from service, the Respondent filed the Original Application No. 3410/2023 before the Tribunal, seeking setting aside his termination *vide* order dated 16.02.2023 and the memorandum dated 23.07.2021.

14. The Tribunal disposed of the said Original Application without adjudicating the merits and directed the Petitioners to consider the Respondent's statutory appeal dated 14.03.2023 and the supplementary appeal dated 29.05.2023.

15. In compliance with the Tribunal's order dated 04.11.2023, the Superintending Engineer, Delhi Circle-X, CPWD, passed a speaking order dated 28.12.2023, wherein the Respondent's appeal was rejected, and the dismissal order dated 16.02.2023 was affirmed.

16. Thereafter, on 19.04.2024, the Respondent filed OA No. 1603/2024 before the Tribunal, challenging his dismissal from service. The Tribunal, *vide* its judgment dated 13.11.2025, allowed the Original Application and granted the reliefs sought by the Respondent with the following directions:



2026:DHC:4262-DB



“11. The impugned report of the inquiry officer dated 'Nil' forwarded vide communication dated 31.05.2022, the impugned order of the disciplinary authority dated 16.02.2023 and the impugned order dated 28.12.2023 are set aside.

12. The applicant shall be reinstated in service and shall be entitled to all consequential benefits in accordance with the relevant rules and instructions on the subject.

13. The directions ordained above shall be complied with by the respondents as expeditiously as possible and preferably within six weeks from the date of receipt of a certified copy of this order.

14. The respondents shall be at liberty to proceed against the applicant pursuant to the impugned charge memo, if they are so advised, however, in accordance with the relevant rules and instructions on the subject and in such circumstances the legal grounds available to the applicant shall remain open.

15. In the aforesaid facts and circumstances of the case there shall be no order as to costs.”

17. Aggrieved by the aforesaid judgment and directions of the Tribunal, the Petitioners have approached this Court by way of the present Writ Petition.

18. Mr. Himanshu Pathak, learned SPC appearing for the Petitioners, at the outset, invited the Court’s attention to the grounds of the present Writ Petition.

19. Mr. Pathak submitted that the Tribunal erred in placing reliance upon *Roop Singh Negi v. Punjab National Bank*³ and *State of Uttar Pradesh & Ors. v. Saroj Kumar Sinha*⁴ as both judgments are clearly distinguishable on facts. According to him, the Hon’ble Supreme Court

³ 2009 (2) SCC 570

⁴ 2010(2) SCC 772



2026:DHC:4262-DB



in **Roop Singh** (supra) interfered on the ground that the findings were based on no evidence and mere suspicion. In contrast, in the present case, the charges against the Respondent were substantiated on the basis of official documentary reports issued by the competent District and Education authorities.

20. He further submitted that the judgment in **Saroj Kumar Sinha** (supra) is distinguishable because the Supreme Court interfered on account of a complete absence of evidence and violation of principles of natural justice, where neither witnesses were examined nor documents proved, and the inquiry was conducted *ex-parte* in a perfunctory manner. In the present matter, the charges against the Respondent were based on official documentary reports issued by competent District and Education authorities, which were duly considered by the Inquiry Officer. The Respondent was afforded full opportunity to present his defence during the inquiry proceedings. Thus, according to him, there was neither absence of evidence nor denial of opportunity; instead, the Respondent failed to produce any documents or evidence to refute the charges.

21. Mr. Pathak relied upon letter no. 2699 dated 20.09.2017 issued by the Deputy Director General (Coordination), Northern Region, to contend that the applications were invited under the Special Recruitment Drive for the post of Beldar (ST) through Employment News dated 12-18 August, 2006. The selection was made on the basis of seniority of age, as no minimum educational qualification was prescribed under the Recruitment Rules. Subsequently, applicants who were not selected based on seniority challenged the selection before the



2026:DHC:4262-DB



Tribunal, alleging that selected candidates had submitted fake or fabricated date of birth certificates. Following the Tribunal's direction, the Joint Secretary and Chief Vigilance Officer of the department conducted a vigilance inquiry, which formed the basis for verification of the Respondent's documents.

22. Mr. Pathak further submitted that the Respondent's appointment was obtained on the basis of forged documents, and therefore, he ought to be dismissed from service. Reliance was placed on the judgment of High Court of Jammu & Kashmir and Ladakh at Jammu in *Mohd. Mahroof v. Union of India*⁵, to contend that an appointment obtained by submission of forged or fabricated documents is *void ab initio*.

23. It was also submitted that the authenticity of the documents can be established through evidence collected during investigation, and therefore, oral evidence is not required in the present case.

24. *Per contra*, Mr. Sachin Chouhan, learned counsel appearing on behalf of the Respondent, relied upon the judgment of Supreme Court in *Jai Prakash Saini v. Managing Director, U.P. Cooperative Federation Ltd. & Ors*⁶. to contend that, in an enquiry, the employer /department is obliged first to lead evidence against the workmen / delinquent employee and to afford the aggrieved person an opportunity to cross- examine the witnesses produced.

25. We have heard the learned Counsel for the parties and perused

⁵ SWP No. 3497/2014

⁶ 2026 INSC 305



2026:DHC:4262-DB



the material on record.

26. The Tribunal, while allowing the Original Application, reasoned that the impugned memorandum proposed to substantiate the allegations against the Applicant on the basis of four witnesses. However, none of the witnesses, were produced during the inquiry; as such, the Tribunal held that the allegation against the Applicant remained unproved.

27. The Tribunal further relied upon *Roop Singh Negi* (supra) and *Saroj Kumar Sinha* (supra), observing that (i) the Enquiry Officer must record the statements of departmental witnesses and must prove the documents proved through proper evidence (ii) if the evidence of witnesses are not led, the aggrieved person loses the chance to cross-examine.

28. In simple terms, the Tribunal concluded that, since no witnesses were produced, the document alleging forgery could not be considered proved, and the Respondent was thereby deprived of the opportunity to cross-examine such witnesses.

29. Mr. Pathak submitted that the charge against the Respondent stands duly proved on the basis of (i) Official documentary reports issued by Addl. District Magistrate, Karauli, which established that the records of the Respondent did not match the school records; and (ii) The report of the school Principal, vide letter dated 17.09.2021, corroborating that the particulars mentioned in the School Transfer Certificate did not match the official school records.



2026:DHC:4262-DB



30. On the other hand, Mr. Chouhan relied upon *Jai Prakash Saini* (supra) to contend that the documents relied upon by the employer/department were required to be proved through evidence and that the Respondent ought to have been afforded an opportunity to cross examine the concerned witnesses.

31. The limited issue which falls for consideration before this Court is whether the dismissal of the Respondent can be sustained in light of the fact that no evidence was led by any of the four proposed witnesses.

32. In our view, as rightly held by the Tribunal, this issue can no longer be regarded as *res integra*.

33. The judgment of the apex court in *Jai Prakah Saini* (supra), relied upon by Mr. Chouhan, clearly holds that unless the charged employee admits his guilt unequivocally, the employer/department is obliged to conduct a proper enquiry into the charges. It is also held that the department must first lead evidence against the charged employee and give him an opportunity to cross-examine the witnesses produced. Only after the evidence on behalf of the department is complete can the charged employee be asked whether he wishes to lead his defence evidence or offer an explanation. Significantly, the apex court held that even in cases based solely on documentary evidence, such documents must be proved through a witness unless the charged employee expressly admits their contents, and such witness must be made available for cross-examination.



34. Consequently, charges cannot be treated as proved merely on the basis of unproved documents or allegations. The relevant finding of the apex court is reproduced for ready reference:

*“17. From the decisions of this Court in Sur Enamel (supra) and Kharak Singh (supra), followed in Chamoli District Cooperative (supra), which deals with similar service rules as are applicable here, it is now settled that unless the charged employee accepts his guilt in clear terms, an enquiry on the charges drawn against him would have to be held. In the enquiry, the employer /department would have to take steps first to lead evidence against the workmen / delinquent charged and give an opportunity to him to cross examine those witnesses. Only thereafter, the workmen / delinquent shall be asked whether he wants to lead any evidence and/ or submit an explanation about the evidence led against him. **Even in a case based solely on documentary evidence, unless the relied upon documents are admitted by the charged employee, a witness would have to be examined to prove those documents and when so examined, the witness would have to be tendered for cross-examination.**”*

35. Having regard to the above, we are unable to accept the Petitioners submission that the allegation against the Respondent can be deemed proved solely on the basis of (i) Reports issued by Addl. District Magistrate, Karauli, asserting that the Respondent’s records did not match the official records; and (ii) The report of the school Principal vide letter dated 17.09.2021.

36. It is a settled proposition of law that in a departmental enquiry, unless the charge is admitted by the employee, the burden to prove the charge lies squarely on the employer/ department.⁷

37. It is also undisputed in the present case that the Inquiry Officer

⁷ Jai Prakash Saini (supra); Para 14



2026:DHC:4262-DB



relied upon documents which were not proved through oral evidence, and, as a consequence, the Respondent was not afforded an opportunity to cross examine the proposed witnesses.

38. In these circumstances, we concur with the reasoning of the learned Tribunal. The apex court in *Roop Singh Negi(supra)* unequivocally held that purported evidence collected during an investigation cannot be treated as evidence unless the relevant witnesses are examined to prove such documents.

39. Thus, the submission of Mr. Pathak that oral evidence was not necessary and that the allegations could be established solely on the basis of purported evidence collected during investigation cannot be sustained in law.

40. For the aforesaid reasons, we are not inclined to interfere with the impugned judgment of the Tribunal.

41. The writ petition is, accordingly, dismissed in *limine*.

OM PRAKASH SHUKLA, J.

C. HARI SHANKAR, J.

MAY 12, 2026/pa