



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

Reserved on: 01.12.2025

Pronounced on: 07.01.2026

+ **W.P.(C) 16919/2025 & CM APPL. 69554/2025, CM APPL.
No.69555/2025**

UNION OF INDIA & ORS.Petitioners

Through: Mr. Shashank Dixit, CGSC with
Mr. Kunal Raj, Adv.

versus

OM PRAKASH VERMA SSF CT. NO. 1432Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. This petition has been filed, challenging the Order dated 06.01.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1059/2021, titled as *Om Prakash Verma v. Union of India & Ors.*, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein, observing as under:

"12. From the aforesaid, it is apparent that though the Inquiry Officer has taken on record all the documents listed as documents in support of the allegations against the applicant and reflected under the Annexure (iii) of the memorandum dated 01.08.2018, however, none of the documents have been proved by the respondents before the Inquiry



Officer. It is also apparent that the Charged Officer was required to submit his defence brief before the Inquiry Officer more than a month before the Presenting Officer has submitted the brief in support of the allegations. The same is found to be in violation of the provisions of Rule 14(19). It is further observed that in the case in hand, in place of respondents to prove the allegations, the applicant was required to prove his innocence which is also against the provisions of Rule 14 and settled law on the subject.

13. In his Inquiry Report, under reference, the Inquiry Officer has nowhere analyzed the prosecution witness and/or the defence evidence and merely after recording all the developments of the 4 hearings and statement of defence of the applicant, he has concluded that the Charged Officer was found guilty of the allegations. The same is in violation of Rule 14 (23).

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16. In view of the aforesaid facts and circumstances, the inquiry report and the subsequent impugned appellate orders passed by the respondents are found to be vitiated and the same are accordingly set aside. The applicant shall be entitled for consequential benefits, in accordance with law. The respondents shall comply with the aforesaid directions, as expeditiously as possible, and preferably within 8 weeks of receipt of a copy of this order. However, the respondents shall be at liberty to proceed against the applicant, of course, in accordance with law, if they so decide.”

FACTS OF THE CASE

2. In a nutshell, the background of the case is that the respondent was appointed as a Sepoy in the Secretariat Security Force ('SSF')



under the Ministry of Home Affairs ('MHA') on 14.05.1984. He continued to serve in the SSF cadre until his deputation to the Reception Organisation (RO), Secretariat Security Organisation ('SSO'), under the MHA.

3. Pursuant to an order dated 11.04.2013, the respondent was taken on deputation to the post of Junior Reception Officer ('JRO'), for a tenure of three years from 05.04.2013 to 04.04.2016. His deputation was thereafter extended twice, first up to 04.04.2017 and again up to 04.04.2018, *vide* orders dated 04.04.2016 and 13.04.2017, respectively.

4. Before the expiry of the extended tenure, the respondent sought a further extension of his deputation tenure for one additional year, that is, from 05.04.2018 to 04.04.2019. For seeking such extension, he placed reliance on the DoP&T O.M. F.No.2/6/2016-Estt. (Pay-II) dated 17.02.2016, which permits the borrowing organisation to retain an officer up to a maximum deputation period of seven years, in cases of public interest. However, the competent authority declined his request for extension on the ground that the SSF was experiencing an acute manpower shortage and required the respondent's services. Consequently, by Office Order dated 10.04.2018, the respondent was relieved from the post of JRO with effect from the date of the order and was directed to report to the SSO-II Section.

5. It is the case of the petitioners that the respondent did not report to the SSO-II Section on 11.04.2018, as directed and the first intimation regarding his alleged illness was received by the petitioners



only on 26.04.2018, unaccompanied by any contemporaneous medical certificate explaining the nature of his ailment. Thereafter, the respondent furnished multiple medical prescriptions from different private practitioners and hospitals, covering the intermittent dates between 11.04.2018 and 03.05.2018, all of which were submitted belatedly on 08.05.2018, in response to the Memorandum dated 04.05.2018, directing him to report for duty. Further, the respondent marked his biometric attendance between 04.05.2018 and 15.05.2018, without reporting to the SSO-II Section. He again remained absent without a sanctioned leave on 21.05.2018, 22.05.2018, and 01.06.2018, and continued to send sporadic intimations of illness without accompanying medical documentation. Subsequent prescriptions were submitted by him from Dr. Baba Saheb Ambedkar Hospital and a CGHS dispensary only on 25.05.2018, in reply to the Memorandum dated 21.05.2018, directing him to report as Constable in SSF. The respondent eventually reported for duty on 04.06.2018, however, even then, he failed to submit any fitness certificate.

6. In view of the respondent's unauthorised and wilful absence, the Disciplinary Authority issued a Memorandum dated 08.08.2018, initiating disciplinary proceedings against him under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 [hereinafter referred to as 'CCS (CCA) Rules']. The Article of Charges framed against the respondent is as under:

"ARTICLE 1"

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2. *That Shri Om Prakash, Constable No.1432*



instead of reporting for duties in SSO-II Section, sent his joining report as “Junior Reception Officer” through Central Registry Section on 04/05/2018. Shri Om Prakash, No.1432 physically reported for duty as constable on 04/06/2018(FN).

3. That No.1432 Constable Om Prakash, was absent from duties w.e.f. 11/04/2018 without any intimation. He only sent communication about his illness which was received on 26/04/2018. He had neither sent any prescription or medical certificate to the department nor informed about his kind of illness. He only sent prescription from CGHS, Pitampura prescribing rest for three days w.e.f. 11/04/2018 and thereafter three medical certificates from three different Private Practitioners prescribing rest from 14/04/2018 to 15/04/2018, 16/04/2018 to 20/04/2018 and 21/04/2018 to 03/05/2018, respectively. These prescription/Medical certificates were only submitted on 08/05/2018 as an afterthought in reply to Memorandum issued to him vide No. Constable/1432/84/SSO-11 dated 04/05/2018. He marked his biometric attendance without physically reporting to SSO Section during 04/05/2018 to 15/05/2018. In a similar fashion, he again intimated about his illness on 15/05/2018 without informing his kind of illness. He sent another intimation about his illness on 23/05/2018 without informing his kind of illness and without attaching any prescription or medical certificate. He only sent two prescriptions from Dr. Baba Saheb Ambedkar Hospital, Rohini prescribing rest from 16/05/2018 to 17/05/2018 and 18/05/2018 to 20/05/2018 respectively and a prescription from CGHS, Pitampura prescribing rest for three days w.e.f. 25/05/2018 vide his letter dated 25/05/2018 in reply to Memorandum Issued to him vide No. Constable/1432/84/550-II dated 21/05/2018. He further sent another Medical Certificate



from a Private Practitioner prescribing rest from 28/05/2018 to 31/05/2018. The Medical Certificate was submitted alongwith his joining report on 04/06/2018 but without any fitness certificate. He has absented himself wilfully and unauthorisedly on 21/05/2018, 22/05/2018 and 01/06/2018 without any justifiable reasons and without any proper sanction of leave. His above acts shows that it is a deliberate attempt by him to remain absent from duties. He kept on sent Medical changing the Medical Practitioners/Hospitals and belatedly sent Certificates/Prescriptions from various sources with a sole motive to divert the attention of authorities from taking action against him."

7. On denial of charges by the respondent, inquiry proceedings were conducted in four regular hearings, held on 26.02.2019, 28.02.2019, 07.03.2019, and 27.03.2019. Evidence of the prosecution witness was recorded, listed documents were taken on file, and the respondent was afforded an opportunity to submit a defence statement.

8. The Inquiry Officer, on the basis of documentary and oral evidence adduced before him, *vide* his report dated 10.05.2019, held the charges levelled against the respondent to be proved, on reaching the finding that the respondent had absented himself from duty on 21.05.2018, 22.05.2018 and 01.06.2018, without any proper sanction of leave and had also marked his biometric attendance during 04.05.2018 to 15.05.2018, without actually reporting to the concerned authority in the SSO-II Section.

9. Accordingly, the Disciplinary Authority, upon consideration of



the inquiry record, *vide* order dated 19.06.2019, imposed a major penalty of “reduction to two (2) lower stages in the time-scale of pay till retirement on 31.12.2019 with cumulative effect and during the penalty period he will not earn any increments of pay”, as envisaged under Rule 11 (v) of the CCS (CCA) Rules.

10. The Appellate Authority, by order dated 26.09.2019 upheld the penalty and rejected the respondent’s appeal against the penalty order.

11. A further Review Petition submitted by the respondent under Rule 29-A of the CCS (CCA) Rules was also rejected by the competent authority *vide* order dated 29.07.2020.

12. The respondent thereafter approached the learned Tribunal by filing the above O.A., challenging the Charge Memorandum, the Inquiry Report, the penalty order, the order passed by the Appellate Authority and the review order, on the ground that the inquiry was not conducted in a just and fair manner.

13. The learned Tribunal, by its Impugned Order dated 06.01.2025, held the actions of the Inquiry Officer to be in violation of Rule 14 of the CCS (CCA) Rules and allowed the said O.A. with the above-quoted directions.

14. Aggrieved thereby, the petitioners have filed the present Writ Petition.

15. None appeared on behalf of the respondent when the matter was taken up for hearing. In the absence of any representation, the respondent was proceeded *ex parte* and the matter is considered on the basis of the pleadings on record, the submissions advanced by the



petitioners and the material available before this Court.

SUBMISSIONS ON BEHALF OF THE PETITIONERS

16. The learned counsel for the petitioners submits that the respondent was sent on deputation as a Junior Reception Officer (JRO) for the prescribed tenure of three years from 05.04.2013, which was extended twice, up to 04.04.2018 and his request for further extension of deputation was legitimately declined. He submits that the governing DoP&T instructions, particularly the O.M. dated 17.02.2016, stipulate that deputation beyond five years is permissible only in exceptional circumstances and only when compelling administrative necessity exists. However, owing to acute manpower shortage in the respondent's parent cadre, that is, SSF, no justification existed for continuation of his deputation beyond the permissible tenure. Consequently, the Competent Authority declined extension of his tenure and relieved him from the deputation post with effect from 10.04.2018. The learned counsel further submits that deputation is not a vested right and does not entitle continuation beyond the approved tenure.

17. The learned counsel further submits that upon being relieved from the borrowing organization, the respondent was required to report to SSO on 11.04.2018 and rejoin duty as Constable. However, he failed to do so and remained wilfully absent from duty, without sanctioned leave. His first communication asserting illness was received only on 26.04.2018 and was unaccompanied by any medical



certificate or prescription. He further submits that the respondent thereafter furnished multiple medical certificates from different private practitioners only belatedly on 08.05.2018, after a Memorandum was issued against him. The learned counsel submits that these documents were inconsistent, lacked continuity, did not cover the entire period of alleged illness, and were insufficient to justify his prolonged absence. Despite the Memorandum dated 04.05.2018 and Order dated 09.05.2018, directing the respondent to join duty as a Constable in SSF immediately on repatriation from the post of JRO, he failed to comply.

18. He further submits that between 04.05.2018 and 15.05.2018, the respondent marked biometric attendance at the office gate but did not report to the SSO Section or his Reporting Officer. Marking of biometric attendance without assuming duty amounts to misrepresentation and was an attempt to create a misleading record of presence. The respondent again remained absent without sanctioned leave on 21.05.2018, 22.05.2018, and 01.06.2018, and even the intimations sent by him were vague, unsupported by medical evidence and failed to disclose the nature of his ailment.

19. He further submits that, in these circumstances, disciplinary proceedings were initiated under Rule 14 of the CCS (CCA) Rules, 1965. The Article of Charge alleged failure to comply with lawful directions upon repatriation, misuse of biometric attendance, unauthorized absence on multiple dates and conduct unbecoming of a government servant under Rule 3(1)(iii) of the CCS (Conduct) Rules,



1964. The inquiry was conducted in strict adherence to the statutory procedure. The respondent was afforded full opportunity to inspect documents, cross-examine departmental witnesses and lead defence evidence. After a comprehensive review of the material on record, the Inquiry Officer held the charges to be proved. The findings were reasoned and based on documentary evidence, including attendance records, memoranda and the respondent's own communications.

20. He further submits that the Disciplinary Authority, upon independent consideration of the inquiry report and the respondent's representation, imposed the penalty of reduction of two lower stages in the time-scale of pay till retirement with cumulative effect. The Appellate and Revisional Authorities upon examining the matter, upheld the penalty. He contends that the penalty is proportionate to the gravity of the misconduct established on record.

21. He further submits that the respondent's conduct namely, refusal to join duties after repatriation, continued unauthorized absence, misuse of biometric attendance and failure to furnish credible medical justification constitutes serious indiscipline, particularly in a security sensitive organisation. Administrative discipline and public interest require a firm action against the respondent.

22. He further submits that, in view of the above, the administrative decisions culminating in the imposition of a major penalty warrant affirmation as they are neither arbitrary nor disproportionate. He submits that the orders are also fully supported by the evidentiary record and the applicable rules, therefore, the



tribunal erred in setting them aside.

ANALYSIS AND FINDINGS

23. We have considered the submissions advanced by the learned counsel for the petitioner and perused the material on record.

24. At the outset, it is not in dispute that the respondent was taken on deputation as a JRO for a fixed tenure, which stood extended from time to time up to 04.04.2018. It is equally undisputed that deputation beyond the said period was declined by the competent authority and the respondent was relieved from the borrowing organisation by the Office Order dated 10.04.2018, directing him to report back to his parent cadre.

25. The central issue that arises for consideration is whether the disciplinary proceedings initiated against the respondent and the consequential penalty imposed upon him suffer from such procedural infirmity, or non-consideration of relevant material, that would render the action of imposing a major penalty unsustainable in law and warrant interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

26. The disciplinary proceedings in the present case were assailed primarily on the grounds of procedural infirmity in the conduct of the inquiry, non-compliance with the statutory safeguards under Rule 14 of the CCS (CCA) Rules and unanalysed prosecution witness and/or the defence evidence. The sustainability of the impugned disciplinary action, therefore, has to be examined on these parameters.



27. One of the material aspects emerging from the inquiry record relates to the manner in which the departmental inquiry was conducted. The proceedings reveal that on multiple dates of hearing, including at crucial stages, the Presenting Officer was not present and the inquiry, nonetheless, proceeded. Though the CCS (CCA) Rules do not expressly mandate the presence of the Presenting Officer at every sitting, the Presenting Officer plays a vital role in presenting the departmental case and in assisting the Inquiry Officer in marshalling evidence. Conducting substantive stages of the inquiry in his absence, without recording reasons or adopting adequate safeguards has a bearing on the fairness of the inquiry process.

28. The inquiry proceedings also required compliance with Rule 14(18) of the CCS (CCA) Rules, which reads as under:

“(18) The inquiring authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.”

29. A scrutiny of the inquiry record shows that while the respondent was examined, the questioning does not reflect that the incriminating circumstances forming the basis of the charges, particularly relating to unauthorised absence, medical documents and marking of biometric attendance were specifically put to him in the manner contemplated under the said rule. This requirement is not a mere formality but a



substantive safeguard intended to afford the charged officer a meaningful opportunity to explain adverse material. It is also pertinent to note here that the respondent was required to submit his defence brief more than a month before the Presenting Officer submitted the brief in support of allegations levelled.

30. A perusal of the inquiry record also indicates that while the medical documents submitted by the respondent formed part of the record, the finding of guilt was recorded without a reasoned consideration of the said defence. Non-consideration or inadequate consideration of relevant defence material, particularly when such material directly bears upon the nature of the alleged misconduct, vitiates the decision-making process in a disciplinary inquiry. As noted by the learned Tribunal, the Inquiry Officer has also nowhere analysed the prosecution witness and/or the defence evidence and has held the respondent guilty merely after recording the developments of the four hearings conducted.

31. Equally significant is the requirement under Rule 14(23) of the CCS (CCA) Rules, which reads as under:

“(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-

- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;*
- (b) the defence of the Government servant in respect of each article of charge;*
- (c) an assessment of the evidence in respect of each article of charge;*
- (d) the findings on each article of charge and the reasons therefor.*

EXPLANATION- If in the opinion of the



inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include :-

- (a) the report prepared by it under clause (i);*
- (b) the written statement of defence, if any, submitted by the Government servant;*
- (c) the oral and documentary evidence produced in the course of the inquiry;*
- (d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry; and*
- (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.”*

32. The penalty order, also does not disclose any reasoned consideration of the respondent's defence, particularly his explanation relating to illness and the medical material placed on record. Mere concurrence with the findings of the Inquiry Officer, without dealing with the defence raised, does not satisfy the mandate of Rule 14(23) of the CCS (CCA) Rules.

33. The charge relating to marking of biometric attendance without assuming duty also require independent consideration. The inquiry record does not reflect a clear and reasoned determination as to



whether such conduct, in the factual context pleaded, amounted to deliberate misrepresentation or was integrally connected with the respondent's explanation regarding illness and absence. The absence of such analysis weakens the foundation of the charge.

34. We place our reliance on the Judgment of the Supreme Court in *State of Uttar Pradesh & Ors. v. Saroj Kumar Sinha*, (2010) 2 SCC 772, wherein the court observed as under:

"28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the unrebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.

29. Apart from the above, by virtue of Article 311(2) of the Constitution of India the departmental enquiry had to be conducted in accordance with the rules of natural justice. It is a basic requirement of the rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceedings which may culminate in punishment being imposed on the employee.

30. When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The inquiry officer has to be wholly unbiased. The rules of



natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service."

(emphasis supplied)

35. We further place our reliance on the Judgment of the Supreme Court in ***Roop Singh Negi v. Punjab National Bank & Ors.***, (2009) 2 SCC 570, wherein it was held as under:

"14. Indisputably, a departmental proceeding is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges levelled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the investigating officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the enquiry officer on the FIR which could not have been treated as evidence."

36. It is well settled that the scope of interference under Article 226 of the Constitution is limited and does not extend to re-appreciation of evidence or substitution of the Court's view for that of the disciplinary authority. However, where the decision-making process is vitiated by non-compliance with mandatory procedural requirements, denial or



non-consideration of relevant defence material, judicial review is permissible to ensure fairness, proportionality and legality in administrative action.

CONCLUSION

37. In view of the foregoing discussion, this Court is also of the considered opinion that the disciplinary proceedings initiated against the respondent suffer from material procedural infirmities, including non-compliance of the mandatory safeguards under Rule 14 of the CCS (CCA) Rules, 1965, inadequate consideration of the defence put forth by the respondent and the absence of a reasoned evaluation of relevant material bearing upon the charges.

38. As a necessary consequence of the above findings, the inquiry report dated 10.05.2019 and the subsequent penalty, appellate and review orders passed by the respondents stood vitiated and were rightly set aside by the learned Tribunal.

39. We, therefore, find no infirmity or illegality in the Impugned Order passed by the learned Tribunal.

40. Accordingly, the Impugned Order passed by the learned Tribunal is upheld and the petition is accordingly dismissed.

41. The petitioners shall grant all consequential benefits to the respondent in terms of the Impugned Order and complete the aforesaid exercise within a period of 8 weeks from the date of this judgment.

42. The pending applications also stand disposed of.



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43. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

JANUARY 07, 2026/k