



2026:DHC:3908-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8533/2022, CM APPLs. 25683/2022, 25839/2022 &
4679/2023

UNIVERSITY GRANTS
COMMISSION & ANR.

.....Petitioners

Through: Mr. Chetan Sharma, ASG with
Mr. Manoj Ranjan Sinha and Mr. Vishal
Agrawal, Advs.

versus

RAJESH ANAND & ANR.

.....Respondents

Through: Mr. Devendra Kumar Singh,
Adv. for R-1

Mr. Syed Abdul Haseeb, CGSC with Mr.
Muhammad Aamir Khan and Mr. Syed
Abdur Rahman, Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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06.05.2026

C. HARI SHANKAR, J.

1. This writ petition challenges an order dated 28 February 2022,
passed by the Central Administrative Tribunal¹ in OA 2519/2016².

2. We have heard Mr. Chetan Sharma, learned Additional Solicitor
General for the petitioners and Mr. Devendra Kumar Singh, learned
Counsel for Respondent 1.

¹ "the Tribunal", hereinafter

² Prof. Rajesh Anand v. Union of India and Ors.



3. Disciplinary proceedings against Respondent 1, emanating from a charge sheet dated 24 April 2014, culminated in his dismissal from service by order dated 15 June 2016.

4. Aggrieved thereby, Respondent 1 approached the Tribunal seeking quashing of the order of dismissal from service and his reinstatement.

5. The OA stands disposed of by the Tribunal *vide* judgment dated 28 February 2022, which makes for somewhat peculiar reading. The judgment runs into 14 paragraphs. The first 10 paragraphs of the judgment merely recite the facts and rival contentions of the parties. Paragraph 11 merely records the fact of service of the charge sheet on Respondent 1 and the proceedings thereafter which culminated in his dismissal from service.

6. Thereafter, paragraphs 12 and 13 of the judgment read thus:

“12. After going through the articles of charge, we are of the considered view that the charges against the applicant are not too grave to attract the extreme punishment of dismissal from service in terms of service law. It is an admitted fact that the applicant has pensionable service and, therefore, even if the respondents were of the opinion that continuation of the applicant in service would be undesirable, he could have been retired from service compulsorily keeping in view the service rendered by him with the respondent-department, and in such a situation, the applicant will become entitled to pensionary benefits. Even if the whole case of prosecution is taken to be true, the impugned punishment shocks our judicial conscience being highly excessive, harsh, severe and disproportionate to the proven delinquency. We are also of the view that for every lapse on the part of the employee, serious punishment depriving him and his family of the entire livelihood is not desirable.



13. In view of the observation made above, we allow the instant OA. The impugned order of punishment dated 15.06.2016 is set aside. The applicant shall be deemed to have been reinstated in service forthwith. It is made clear that the applicant, on reinstatement, will not be entitled to any back wages or arrears thereof from the date of impugned dismissal order till the date of reinstatement, but shall be entitled only to the notional benefits. However, the respondents shall be at liberty to impose any punishment other than dismissal/removal from service by taking into account the entire service rendered by him with the department. The manner in which the period the applicant remained under suspension/out of service is to be treated, shall be decided by the respondents in accordance with rules.”

7. We do not know why the Tribunal has not addressed the merits of the case against Respondent 1 or the findings of the IO or the DA which actually were subject matter of the challenge before the Tribunal.

8. Be that as it may, as Respondent 1 has not chosen to challenge the impugned judgment dated 28 February 2022, we are not in a position to state anything further on that ground.

9. The Tribunal has merely addressed the aspect of proportionality of punishment. In paragraph 12 of the impugned judgment, the Tribunal has expressed the view that the punishment of dismissal from service is disproportionate to the charges against Respondent 1.

10. While asserting that there was no lack of proportionality between the charges against the respondent and the punishment awarded to him, Mr. Chetan Sharma, learned ASG, very fairly suggests that the impugned order could be set aside and the matter



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remanded to the Tribunal to reconsider the aspect of proportionality and provide reasons for its findings.

11. Having heard the learned Counsel for the parties, we find the suggestion to be wholesome.

12. It is a fact that, in paragraph 12 of the impugned order, there is no real reason provided as to why the Tribunal did not find the punishment of dismissal proportionate to the charges against Respondent 1, all of which were found to be proved.

13. We, therefore, quash and set aside the impugned order of the Tribunal solely on the ground that it does not contain sufficient reasons for its findings that the punishment of dismissal was disproportionate to the charges against Respondent 1.

14. We make it clear that the aspect of the disciplinary proceedings against Respondent 1, culminating in the order of punishment dated 15 June 2016 are not any more open to challenge, and the only aspect which remains to be considered is whether the charges against Respondent 1 warranted a punishment of dismissal from service.

15. We also clarify that we are not expressing any opinion on the aspect of proportionality of the punishment.

16. We are setting aside the impugned order only because, while holding the punishment to be disproportionate to the charges against Respondent 1, no sufficient reasons are forthcoming.



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17. We, therefore, clarify that it would be open to the Tribunal, in the remand proceedings, to take a view one way or the other regarding the aspect of proportionality. However, the Tribunal would provide reasons for its decision.

18. Accordingly, the impugned order is quashed and set aside to the aforesaid extent.

19. OA 2519/2016 shall stand remanded to the Tribunal for reconsideration on the aspect of whether the punishment of dismissal from service, awarded to Respondent 1 by order dated 15 June 2016 was, or was not, disproportionate to the charges found proved against him.

20. For this purpose, we direct both the parties to appear before the Tribunal on 22 May 2026. Neither side would be entitled to seek any adjournment on the said date.

21. As the order of punishment is of nine years' vintage as on date, we request the Tribunal to deal with the matter as expeditiously as possible and, as a limited issue of proportionality is involved, to endeavour to hear the parties and conclude the hearing on the date fixed by us in this order and render judgment thereafter as soon as possible.

22. Needless to say, either side, should it be remained aggrieved by the decision of the Tribunal, would have its remedies reserved in law.



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23. The writ petition is allowed to the aforesaid limited extent with no order as to costs.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 6, 2026/aky