



2026:DHC:9326-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010501922026
+ **W.P.(C) 15398/2026, CAV 494/2026, CM APPLs. 72212/2026,
72213/2026 & 72214/2026**

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Vijay Joshi, CGSC

versus

CHAKRESH KUMAR

.....Respondent

Through: Mr. Yogesh Sharma, Ms.
Sonika and Mr. Piyush Sharma, Advs.**CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA****ORDER (ORAL)**% **15.10.2026****C.HARI SHANKAR, J.**

1. This writ petition assails judgment dated 4 August 2026, passed by the Central Administrative Tribunal¹ in OA 4229/2024.

2. The respondent, an employee of the Ministry of Railway, was dismissed from service without holding an inquiry, exercising powers under Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968, which, admittedly, is *pari materia* with Article 311(2)(b) of the Constitution of India.

¹ "Tribunal" hereinafter



2026:DHC:9326-DB



3. The Disciplinary Authority was, therefore, required to clearly state the reasons as to why he deemed it inexpedient or impracticable to hold a departmental inquiry.

4. The Tribunal has reproduced the order dated 1 April 2024, whereby the respondent was dismissed from service, and we deem it appropriate to do likewise:

“In exercise of powers conferred upon me under rule-14 (II) of Railway Servant (D & A) Rules, 1968, I have gone through the entire case and found as under:-

It is a matter of great concern that Shri Saurabh Kumar a public man posted a video on Twitter on 30.03.2022 to Railway Ministry and other higher authorities in Railway Board and Headquarter office as well. The fact finding enquiry was conducted which also reveals that you while on duty as Guard on 07.03.2022, 09.03.2022 & 11.03.2022 in which you worked in SLR No. NF 04705 which is being depicted in the video in an objectionable and vulgar situation. It has also been verified that this SLR was running in the rear of Train No. 04334 on the above dates.

During fact finding enquiry, some Railway Staff Le. Shri Brijmohan Singh, CTNC/MB, Shri Mahendra Kumar, SS/MB & Shri Tejpal Giri, Unfit Guard/MB also recognised you in video as well as photo that the person in the video is of Shri Chakresh Kumar, Guard Goods/MB with an unknown girl in Red T-shirt and Blue Jeans, who is not a railway person.

In view of the video, photos posted on Twitter to the Railway Authorities and the final outcome of the fact finding enquiry report proved it that you while on duty in brake-van no. NF 04705 running in the rear of Train No. 04334 have tarnished the image of Railway Administration.

From the above incidents, it has been established that while on duty in SLR No. NF 04705 in Train No. 04334, you were noticed in an objectionable condition with a girl who has no concerned with Railways, which could be serious and created unsafe condition in train operations and tried to endanger the safety to



bonafide Railway Passengers by working train in a locked moving SLR. In this way all the passing Railway Stations enroute have cut its contact with the working Guard. Such type of unsafe trains operations could have turned into possible accident/derailments too and have costed to the Railway Administration heavily. Railway Safety as well as the safety of the travelling public cannot be compromised at any stage. Therefore, I also hold you guilty of the charges and responsible for violating Rule-3-Genl. (i), (ii), (iii), (v), (vi), (ix) & (xv) as well as 3 (A) (i) of Railway Service Conduct Rule - 1966 which badly effected the image of Railway Administration in the general public.

Under the circumstances, *I do not find any merit to give you an opportunity to defend In the above case and do not want to hold any enquiry in this case.* Moreover, the charges leveled against you are of serious nature and giving you any further opportunity to continue your service, shall invite serious threat to safety in train operations in future too.

As such, I exercise the powers conferred upon me under rule 14 (ii) of Railway Servant (D & A) Rules - 1958 and in view of the seriousness of the charges levelled against you while working in train operation duty. I, therefore, hold you guilty of the charges as mentioned above and have decided to impose upon you a penalty of Removal from Service. You are, therefore, removed from railway service (from the post of Guard Goods) with Immediate effect.

2. Under Rule -18 of Railway Servants (Discipline and Appeal) Rules 1968 an appeal against these orders lies to ADRM/MB provided-

- i. The appeal submitted within 45 days from the date you receive the orders; and
- ii. The appeal does not contain Improper or disrespectful language.

3. Please acknowledge receipt of this letter.”
(Emphasis supplied)

5. This is a truly strange case in which the Disciplinary Authority does not even give perfunctory reasons for dispensing with the disciplinary inquiry. All he states is the following:



2026:DHC:9326-DB



“Under the circumstances, I do not find any merit to give you an opportunity to defend In the above case and do not want to hold any enquiry in this case.”

6. It would be a merry state of affairs if disciplinary inquiries can be dispensed with at the sweet will of the Disciplinary Authority. The afore-extracted words from the order of the dismissal indicate that the Disciplinary Authority was of the view that he was the sole repository of the discretion as to whether the inquiry was to be dispensed with or not and that he was not required to give any reasons for doing so. All he states is that he did not want to hold a disciplinary inquiry.

7. There is no observation, by the Disciplinary Authority, that the holding of a disciplinary inquiry would be inexpedient or impracticable, or that the respondent would be likely to influence or intimidate witnesses if an inquiry were held, or that he was not traceable. No sufficient cause for dispensing with a disciplinary inquiry was, therefore, forthcoming from the order of punishment.

8. That a disciplinary inquiry cannot be mechanically dispensed with, and that cogent reasons are required to be recorded before doing so, stands settled in a plethora of authorities, including *Union of India v. Tulsiram Patel*², *Indian Railway Construction Co. Ltd. v. Ajay Kumar*³, *Kuldip Singh v. State of Punjab*⁴, *Union of India v. Harjeet Singh Sandhu*⁵, *Satyavir Singh v. Union of India*⁶ and *Sahadeo*

² (1985) 3 SCC 398

³ 2003 (4) SCC 579

⁴ 1996 (10) SCC 659

⁵ 2001 (5) SCC 593

⁶ (1985) 4 SCC 252



2026:DHC:9326-DB



Singh v. Union of India⁷.

9. The Tribunal has, therefore, correctly held that the impugned order dismissing the respondent from service could not sustain as it was passed without any disciplinary inquiry and without providing any reasons as to why the inquiry was dispensed with. The Tribunal has, therefore, reinstated the respondent in service and has reserved liberty with the petitioners to proceed in accordance with law by way of a proper disciplinary inquiry.

10. We find no reason to interfere with the impugned order of the Tribunal.

11. Before parting ways with this *lis*, we are constrained to observe that, instead of passing such orders, if the Disciplinary Authorities in the department could only take the trouble of issuing a charge sheet to officers and employees who are suspected to have committed actionable misconduct – save and except where there are legally sustainable reasons for not doing so – such litigation could be avoided.

12. This writ petition is, accordingly, dismissed in *limine*.

C.HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 15, 2026/aky

⁷ (2003) 9 SCC 75