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

Date of decision: 05.08.2025

+ W.P.(C) 11186/2025 & CM APPL. 45978/2025

LT GOVERNOR OF DELHI AND ORSPetitioners

Through: Mrs.Avnish Ahlawat, SC,
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam, Mr.Mohnish
Sehrawat, Advs.

versus

DR DAVINDER KUMARRespondent

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 13.01.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.3356/2024, titled ***Dr.Davindera, Principal Group-A v. LT Governor of Delhi & Ors.***, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein, setting aside the Order dated 09.07.2024 passed by the petitioners, whereby the respondent was reverted to the post of Principal and his promotion was kept in a sealed cover. The learned Tribunal has further directed the petitioners to restore the respondent's promotion to the post of Deputy Director (Education) within two weeks from the date of



receipt of a copy of the order.

2. It is the case of the petitioners that the respondent had concealed the fact that he was summoned in a criminal case involving charges under Sections 354A/506 of the Indian Penal Code, 1860 (IPC), in Criminal Case No.14527/2016, titled ***State v. Dr.Davinder Kumar***, at the time he was considered for promotion to the post of Deputy Director (Education). It is for this reason that his promotion was subsequently cancelled and kept in a sealed cover.

3. The learned counsel for the petitioners submits that the learned Tribunal has erred in observing that the Principles of Natural Justice were not followed while passing the order of reversion of the respondent. She submits that before passing the said order, a notice dated 01.12.2023 was issued to the respondent, calling upon him to explain, with supporting documents, whether he had been arrested by the police in connection with the FIR No. 0129/2016, Police Station: Mayur Vihar, Phase-I, and whether he had intimated about the case to his office/departmental superior, as also in the proforma while applying for the vigilance clearance. The respondent did not give any reply to the same, and therefore, a decision was taken to revert the respondent to the post of Principal. Later, by another notice dated 22.01.2024, he was directed to submit supporting documents in relation to his assertion that he had informed the office about the above case and that he had not been charge-sheeted but his name had been kept in column no.12 of the final report by the police. As the respondent failed to submit these documents, the Order dated 09.07.2024 was passed, cancelling the promotion of the respondent



with retrospective effect and reverting him to the post of Principal. She submits that, therefore, the Principles of Natural Justice were duly followed in the present case.

4. We are not impressed with the above submission of the learned counsel for the petitioners.

5. The aforementioned notices, that is, the notice dated 01.12.2023 and the notice dated 22.01.2024, merely called upon the respondent to produce the documents to verify whether a charge sheet had been filed against him and whether he had informed his office/departmental superior of the same. However, no show-cause notice was issued to the respondent seeking his response to the proposed action of reversion. Upon verifying the facts indicating that the respondent may have concealed such information, it was incumbent upon the petitioners to issue a further notice regarding the proposed disciplinary action. Reversion after the grant of promotion entails civil consequences and, therefore, cannot be affected without complying with the Principles of Natural Justice.

6. The learned counsel for the petitioners submits that the promotion granted to the respondent was subject to vigilance clearance. This would also not make any difference as the fact remains that, at the time when the respondent was promoted, the vigilance clearance was there, and now it is an allegation of the petitioners that the same had been obtained by concealing the material facts. Such concealment, along with the proposed consequence/action, if any, has to be duly put to the respondent.

7. In view of the above, we find no infirmity in the Order passed



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by the learned Tribunal. We, however, grant liberty to the petitioners to take appropriate action against the respondent, if so advised, in accordance with law.

8. The petition is disposed of in the above terms. The pending application is also disposed of as having been rendered infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 5, 2025/Arya/DG