



2025:DHC:11714-DB



\$~5

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

***Date of decision: 18.12.2025***

+ W.P.(C) 100/2019  
GOVT. OF NCT OF DELHI & ORS .....Petitioners  
Through: Mr.Anshuman, SPC with  
Mr.Vaibhav Sood, Adv.  
ASI Punit, Delhi Police

versus

BHANWAR SINGH (S.I) .....Respondent  
Through: Ms.Harsha Sharma and  
Mr.Siddhant Shukla, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA**

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 31.07.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. No.1876/2015, titled ***Sh. Bhanwar Singh v. Govt. of NCT of Delhi & Ors.***, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein and set aside (i) the Show Cause Notice dated 16.05.2013, (ii) Order of the Disciplinary Authority dated 24.06.2013 imposing the punishment of Censure on the respondent, and (iii) the Order dated 08.05.2013 dismissing his appeal against the punishment.



### **BRIEF FACTS**

2. To give a brief background of the facts in which the present petition arises, the respondent, as on 15.05.2013, was posted as Divisional Officer in the Mayapuri Division Police Station.
3. On 15.05.2013, a team of Special Staff, West District, conducted a raid at C-205, 1<sup>st</sup> Floor, Junk Market, phase-II, Maya Puri, Delhi, and arrested 35 persons for gambling. They seized a sum of Rs.6,35,830/- along with other articles used for gambling. Accordingly, F.I.R. No. 131/13 dated 15.05.2013 u/s 03/04/05/12/09/55 of the Delhi Public Gambling Act, 1955 was registered against them.
4. Subsequently, a Show-Cause Notice dated 16.05.2013 was issued to the respondent, being the Divisional Officer, and to Head Constable Devender, Constable Virender and Constable Diwan, being the beat officers of the said area, for their failure to collect the intelligence and detect gambling in their beat area. It was alleged that this amounted to gross negligence, carelessness and dereliction in the discharge of official duties.
5. The respondent filed a reply to the said Show Cause Notice stating that the premise where the raid was conducted falls in a commercial market and is visited by commuters every day. He also stated that due to ensuring compliance of an Order of the learned National Green Tribunal ('NGT'), the respondent could not devote full time to detect gambling in the area.
6. On considering the reply received from the respondent and after



giving him an opportunity of oral hearing, *vide* an Order dated 24.06.2013 passed by the Assistant Commissioner of Police ('ACP'), Tilak Nagar, the respondent was visited with the punishment of Censure, observing therein that the respondent should have detected the gambling going on at such a large scale and for quite some time in his area.

7. Aggrieved by the same, the respondent filed an appeal with the Joint Commissioner of Police, South Western Range, New Delhi, challenging the punishment of Censure. However, the appeal came to be dismissed *vide* an Order dated 22.04.2014, observing therein that it was the duty of the respondent to have an eye over each and every place which falls within his jurisdiction. The respondent pleaded that he was tasked to ensure compliance with the Order dated 08.05.2013 passed by the learned NGT, because of which he could not gather the information with regard to the gambling activity taking place in his area. The Appellate Authority, however, rejected the said plea observing that merely working for the implementation of the said order of the learned NGT does not mean that the local police would ignore all illegal activities being carried out by the anti-social elements in their area. It was observed that the respondent should have been more vigilant and should have worked professionally.

8. Aggrieved by the above Orders, the respondent filed the above O.A. before the learned Tribunal.

9. The O.A. was allowed by the learned Tribunal, observing as under:



*“9. I have gone through the facts of the case and available records. It is a fact that during the said period, implementation of order dated 08.05.2013 of National Green Tribunal was being carried out by police personnel of West District. The orders of the National Green Tribunal were:-*

*“6. Teams of each of the Departments i.e. DDA, NCT of Delhi, MCD, DPCC, Atomic Energy Regulatory Commission, and DSIDC shall take inspection on regular intervals and even at odd hours to ensure that none of the directions issued by the Tribunal are disobeyed.*

*7. Commissioner of Delhi Police, particularly Additional Commissioner of Police, West District shall depute specific force to ensure that these directions are carried out without demur and delay.*

*Let the collective Report on behalf of the NCT of Delhi in regard to compliance of these directions be submitted before the next date of hearing.*

*List on 12<sup>th</sup> July, 2013.”*

*9.1 Being time bound directions, the focus of beat staff was to ensure that ban order is carried out meticulously. However, this does not imply that the applicant could overlook his other duties but his priority at that time was implementation of the National Green Tribunal's order, hence due to this multi tasking & also the fact that the gambling was in closed premises, in a congested area, timely intelligence could not be collected. Here it is relevant to observe that there is not even a whisper regarding any deliberate or oblique connivance of the applicant with the gamblers. The report of SHO Mayapuri shows that the applicant had been discharging his duties with dedication in the past with good detections to his credit.*

*9.2 The learned counsel for the applicant*



*also produced before me a Circular dated 29.12.2008, which shows that officers in Delhi Police, who are awarded 'censure' are debarred for promotion for six months from the date of such award. Further, amendment dated 27.06.2013 also confirms that award of censure carries adverse points, which can seriously affect the career prospects of police personnel.*

*9.3 The facts of the instant case are not such, which would merit inflicting such a severe punishment on the applicant, as to permanently mar, his future career prospects. A punishment, (however mild) for a bona fide oversight, at this early stage of the applicant's career would not only be detrimental to his career but would also lead to (avoidable) demotivation."*

### **SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS**

10. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that, merely because the respondent was also made a part of the team, along with his beat staff, to ensure compliance with an order passed by the learned NGT, the respondent could not have been excused from discharging his regular duties.

11. He submits that it was the duty of the respondent, being the Divisional Officer, to gather intelligence regarding the gambling going on in his area. It was because of dereliction of duty that a large-scale illegal activity was taking place in the area under his jurisdiction. The respondent was, therefore, awarded Censure, which is a minor punishment, and the same should not have been interfered with by the learned Tribunal.



12. The learned counsel further submits that the respondent admitted in his appeal that, he could not develop appropriate/reliable sources which could have provided inputs regarding gambling in his area, and that the large-scale gambling is clearly a failure in effective collection of intelligence.

13. He submits that as far as the Head Constable Devender is concerned, the learned Tribunal, by an Order dated 05.01.2018, passed in O.A. No.1884/2015, has dismissed a similar challenge to the punishment of Censure, observing therein that both the Disciplinary Authority and Appellate Authority had recorded cogent reasons and examined the matter.

**SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENT**

14. On the other hand, the learned counsel for the respondent submits that the respondent had always been discharging his duties with utmost sincerity. She submits that the Station House Officer ('SHO') of Police Station Mayapuri, *vide* letter/remark dated 13.07.2013, had also recommended that the proceedings against the respondent should be dropped and the Censure should be vacated, as not only the respondent was busy in ensuring implementation of the orders passed by the learned NGT but had also, with dedication in duty, apprehended a notorious car jacker, solved a murder case and detected other criminal activities in the area.

15. She further submits that Censure, though otherwise is a minor



punishment, entails debarment from promotion for a period of six months and also carries adverse points which would seriously affect the career prospects of the respondent and, therefore, was disproportionate to the allegations levelled against the respondent.

16. In support of her submissions, she also places reliance on the Judgment of the Supreme Court in *Inspector Prem Chand v. Govt. of NCT of Delhi & Ors.*, (2007) 4 SCC 566, to submit that mere error of judgment or negligence would not be a misconduct. The respondent's error in the present case was not wilful and does not amount to misconduct requiring any punishment.

### **ANALYSIS & FINDINGS**

17. We have considered the submissions made by the learned counsels for the parties.

18. At the outset, we are of the opinion that the learned Tribunal has failed to appreciate the limited jurisdiction it exercises in judicial review of departmental proceedings against a delinquent employee. The exercise of such power vested with the learned Tribunal is not to seat it as an appellate court to re-appreciate the evidence led in the inquiry proceedings or to re-assess the punishment imposed.

19. In the present case, it is not disputed that the Special Task Force, in a raid conducted on 15.05.2013, had unearthed a large-scale gambling activity taking place at a particular premises in Mayapuri which fell within the jurisdiction of the respondent; 35 persons were arrested in such raid; and a seizure of Rs. 6,35,830/- was made. The



allegation was that the respondent should have been vigilant to detect such activity and it is because of dereliction of his duties that such activity was taking place within his jurisdiction.

20. The plea taken by the respondent that he was busy in ensuring implementation of an order passed by the learned NGT, has been considered by the Appellate Authority, which rightly observed that mere ensuring compliance with one order would not mean that the respondent can ignore other parts of his duties. In any case, this was a matter to be considered by an appropriate authority and once it had been considered and rejected, the learned Tribunal could not have found fault in the same, acting as an Appellate Authority and finding that it may have taken a different view of the matter on such allegations.

21. As far as the past record of the respondent and the recommendations of the SHO are concerned, it appears that this may have influenced the competent authorities to visit the respondent only with a censure and not with a harsher punishment. Be that as it may, the learned Tribunal has not recorded that the punishment awarded to the respondent was 'shockingly disproportionate', which is the only parameter on which the punishment awarded to an employee can be interfered with in exercise of powers of a judicial review. As noted hereinabove, the power of judicial review does not extend to taking a different view on the facts of a case and interfering with the punishment awarded only because on the given facts, the learned Tribunal may have felt that a minor punishment or some other





punishment may have been more appropriate.

22. As far as the judgment of the Supreme Court in *Inspector Prem Chand* (supra) is concerned, the Court therein found that the Disciplinary Authority did not arrive at any finding that the employee therein was guilty of an unlawful behavior in relation to discharge of duty in service which was wilful in character. It was held that the allegations against the appellant, at best, were of an error of judgment and not misconduct and even the criminal court did not pass any adverse remarks against the employee concerned while the same were passed against the Investigating Officer. It was on those facts that the Supreme Court found that the employee therein cannot be said to have committed any misconduct. The said judgment, therefore, cannot come to the aid of the respondent.

23. In view of the above facts, we are unable to sustain the Order passed by the learned Tribunal. The same is, accordingly, set aside.

24. The petition is allowed in the above terms.

25. There shall be no order as to costs.

**NAVIN CHAWLA, J**

**RAJNEESH KUMAR GUPTA, J**

**DECEMBER 18, 2025/sg/Yg**