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

***Date of decision: 21.07.2025***

+ W.P.(C) 7996/2025  
UNION OF INDIA & ORS. ....Petitioners  
Through: Mr. Syed Abdul Haseeb, CGSC

versus

ASHOK KUMAR AGARWAL & ANR. ....Respondents  
Through: Mr.Shanker Raju, Mr.Nilansh  
Gaur, Ms.Sonali Agarwal,  
Ms.Adiya Singh, Mr.Satya  
Sarthak Kumar, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE RENU BHATNAGAR**

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

**CAV 223/2025**

1. Since the learned counsel for the respondents has entered appearance, the Caveat stands discharged.

**CM APPL. 35045/2025 (Exemption)**

2. Allowed, subject to all just exceptions.

**W.P.(C) 7996/2025 & CM APPL. 35044/2025**

3. This petition has been filed by the petitioners, challenging the Order dated 12.11.2024 passed by the learned Central Administrative Tribunal, Principle Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3295/2017, titled *Ashok Kumar Agarwal v. Union of India and Ors.*, whereby the learned Tribunal allowed the



O.A. filed by the respondent no.1 herein, with the following directions:

*“16. For the reasons explained hereinabove, the OA is allowed with the following directions:-*

*1. Impugned orders dated 16.02.2013 (Impugned Memo SFs), 14.10.2014 communicating order dated 24.09.2014 (Inquiry Report), 02.12.2014 (Penalty Order), 11/26.03.2015 (Appellate Order) and 08.09.2016 (Revision Order) are quashed and set aside.*

*2. The applicant will be reinstated in service from the date of removal from service (02.12.2014).*

*3. As the applicant has attained the age of superannuation during the pendency of the O.A. on 30.09.2024, the applicant will be deemed to be in service from the date of his removal till the date of his superannuation.*

*4. The applicant shall be entitled to all benefits on notional basis for the date of removal till he attained superannuation and actual benefits from the date of his retirement.*

*5. The directions ordained above shall be complied with within a period of eight weeks from the date of receipt of a certified copy of this order.”*

4. To give the brief background of the facts in which the present petition arises, the respondent no.1 was working as JE/ Works/ MLR/ JHSW and was served with a chargesheet dated 16.12.2013, wherein Six Articles of Charge were framed against him, and an Enquiry Officer was appointed to inquire into the same.



5. It is the case of the petitioners that, despite repeated notices, the respondent no.1 did not participate in the Inquiry Proceedings, resulting in an *ex-parte* Enquiry Report dated 14.10.2014 being submitted against him, finding him partially guilty of the charges.

6. The respondent no. 1 submitted a representation to the Disciplinary Authority against the said report, however, the Disciplinary Authority, *vide* Order dated 02.12.2014, imposed the punishment of removal from service on the respondent. The appeal filed by the respondent no.1 against the said order was also dismissed *vide* Order dated 26.03.2015. He then preferred a Revision Petition, which was also dismissed by the Revisionary Authority on 08.09.2016. Thereafter, the respondent no.1 approached the learned Tribunal by way of the above-mentioned O.A.

7. The learned Tribunal in the Impugned Order has observed that the Enquiry Officer has made a bald statement in his conclusion that the charges were partially proved against the respondent no.1 on the basis of the evidence and witnesses produced in the inquiry. However, the Enquiry Officer neither discussed nor relied upon any specific evidence and witness testimony before arriving at this conclusion. It was further observed that the Appellate, as well as the Revisionary Authority, had ignored the representation of the respondent no.1 and passed a cursory order.

8. The learned counsel for the petitioners submits that the respondent no.1 had intentionally chosen not to appear before the Enquiry Officer and cannot now be heard to challenge the finding of the Enquiry Proceedings. He further submits that the Enquiry Officer,



after perusing the statements of witnesses and the documents on record, has found the respondent no.1 guilty of the charges. These findings were thereafter considered and upheld by the Disciplinary Authority, the Appellate Authority, and the Revisionary Authority. He submits that, therefore, the learned Tribunal erred in interfering with the punishment awarded to the respondent no.1.

9. On the other hand, the learned counsel for the respondent no.1, who appears on advance notice of this petition and on Caveat, submits that the Enquiry Officer did not discuss any of the evidence led before him, while concluding that the charges were partially proved. He submits that the report of the Enquiry Officer is cryptic and lacks reasoning, and the same was upheld by the Disciplinary, Appellate, and Revisionary Authority in equally cryptic and non-speaking orders.

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

11. At the outset, while we do appreciate that the respondent no.1 did not participate in the Enquiry Proceedings, we also find that the report of the Enquiry Officer is entirely cryptic and fails to provide any reasoning for the conclusion drawn. In the Enquiry Report, the Enquiry Officer first gave a brief description of the allegations against the respondent no.1, then referred to the various notices issued to the respondent no.1 to participate in the Enquiry Proceedings, and proceeded to reproduce the submissions of the Investigating Officer. However, without any discussion or analysis of the said submissions, he abruptly proceeded to his conclusions, which are as under:

*“For investigation of the allegations leveled,*



*the accused employee did not appear on the fixed dates, due to which there was no cooperation from the employee's side in the investigation, due to which the investigation process could not be completed on time. Only on the basis of records and witness statements, found partly guilty of the charge mentioned in Standard Form-5 P-011/DY CME/JHSW/DAR/AKA/486 Dated 16-12-2013."*

12. From the above, it would be apparent that the respondent no.1 was found partially guilty of the charges, without any specification as to which part of the charges he was actually found guilty of, and on what basis.

13. Not only the above, the Disciplinary Authority, in fact, issued a notice to the respondent no.1 to submit a response/representation on the Enquiry Report. The respondent no. 1 submitted a detailed representation, which was again rejected through a rather cryptic order, the relevant portion of which is reproduced herein below:

*"I have minutely perused the documents available on record, statements of the witnesses, exhibits and the defence statement submitted by you. I find that you were called by the enquiry officer by sending the letters to you on 05/04/14, 05/05/2014, 24/05/2014, 04/06/2014, 13/06/2014, 30/06/2014 for enquiry into the charges. But you did not appear in the enquiry and committed the enquiry and committed the enquiry whereas you are present in the office. You are asked to submit the name of the ARE, but you did not cooperate in this regard. Therefore, the enquiry report was submitted by the enquiry committee by conducting the ex parte enquiry according to which the stars number- article 01, article 0, article 3 and article 04 are*



*proved.*

***Order:-***

*Keeping in view all the documents available on record of the case file, I am in agreement with the conclusions of the enquiry report. Therefore, I find you guilty of misconduct under rule 3 (1) sub rule (II) and (III) of the railway service conduct rules 1966.*

*Keeping in view the gravity of the conduct of the charged official I have decided to impose the punishment of "Removal from service" from the date of issue of this order. The employee will be entitled to receive the DCRG and compassion allowance. The compassion allowance will be equal to one half of the pension amount."*

14. The appeal of the respondent no.1 was also dismissed by an equally cryptic Order dated 26.03.2015, which reads as under:

*"I have gone through the case and the appeal. The employee is guilty of the charges. He also tried to delay the enquiry proceedings. He has not shown intention to do the Railway work assigned to him and also caused obstruction in Railway work. The punishment of removal from service imposed by the DA is justified and appropriate. The punishment will stand, there will be no change."*

15. The revision against the same was also dismissed with a similarly cryptic order.

16. From the above, it is apparent that no reasons were provided to the respondent no.1 for finding him partially guilty of the charges. The entire enquiry proceeding was conducted in violation of the Principles of Natural Justice and has, therefore, been rightly set aside by the learned Tribunal. Only because the respondent no. 1 had remained absent in the inquiry, would not in itself dispense the Inquiry Officer,



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the Disciplinary, the Appellate and the Revisionary Authority, from scrutinising the evidence led against the respondent no. 1 and giving reasons for finding him guilty of the charges against him.

17. We, therefore, find no merit in the present petition. The same is accordingly dismissed. The pending application is also disposed of as infructuous.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**JULY 21, 2025/Arya/DG**