



2025:DHC:11777-DB



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

***Reserved on: 14.11.2025***  
***Pronounced on: 23.12.2025***

+ **W.P.(C) 6557/2021 & CM APPL. 20574/2021**

**PRAMOD KUMAR RAWAT**

.....Petitioner

Through: Mr. Ajai Kumar Srivastava,  
Adv.

versus

**UNION OF INDIA**

.....Respondents

Through: Mr. Jagdish Chandra Solanki,  
CGSC with Mr. Ruchir Mishra  
and Mr. Siddharth Bajaj, Advs.  
for UOI

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE MADHU JAIN**

### **J U D G M E N T**

**NAVIN CHAWLA, J.**

1. This petition has been filed challenging the Order dated 14.01.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2092/2019, titled *Pramod Kumar Rawat v. Union of India through Secretary Ministry of Home Affairs*, dismissing the O.A. filed by the petitioner herein.

### **FACTS OF THE CASE**

2. Briefly stated, the facts in which the present petition arises are that the petitioner was working as a Section Officer in the Ministry of



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Home Affairs (MHA) and retired on 30.09.2009.

3. While he was in service, the Central Bureau of Investigation (CBI) conducted a search of his residential premises on 28.05.2005 and 30.05.2005. On the basis of the material collected by them, FIR No. RCEOI-I 2007 A0001 dated 19.04.2007 was lodged against the petitioner for possession of assets disproportionate to his known sources of income during the period 01.01.1996 to 30.05.2005. On 07.07.2009, sanction was accorded for his prosecution for offences under the Prevention of Corruption Act, 1988 ('PC Act').

4. Parallely, disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, ['CCS(CCA) Rules'] were also instituted against him, with the issuance of a chargesheet dated 25.09.2009, with the following article of charge:

*"That Sh. P.K. Rawat, Section Officer, NE-II, MHA while working as Assistant and Section Officer in the Ministry of Home Affairs entered into the following financial transactions in his name as well as in the names of his wife and son during the period 1.1.96 to 30.5.2005 without giving intimation in this regard to his department as was required under Rule 18(2) of CCS(Conduct) Rules.*

*i) That during the period 1.1.96 to 30.5.2005, Sh. P.K. Rawat made investments to the tune of Rs.48,63,000/- in 22 monthly income scheme accounts opened with various post offices in Delhi.*

*ii) That Sh. P.K. Rawat made investments to the tune of Rs.48,560/- in stock market in his own name and in the name of his wife and son during 1.1.96 to 30.5.2005.*



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iii) House No. D-605, UNESCO Apartment, Plot No. 55, I.P. Extension, Patparganj, Delhi for Rs.4,50,000/- on 7.6.1996 acquired by him in the name of his wife Smt. Usha Rawat during the check period i.e. from 1.1.1996 to 30.5.2005: -

iv) Shop No. 23, DDA Building, Rajendra Place, District Centre, Delhi for Rs. 3 lacs acquired by him in the name of his wife Smt. Usha Rawat on 22.2.1996.

v) Farm House at Paonta Road Dhakrani, Dehradun in the name of Smt. Usha Rawat on 7.1.2003 of Rs. 2,50,000/-

vi) On 8.3.97, a new Maruti 800 car was purchased in the name of Smt. Usha Rawat for Rs. 2,02,700/- and a second hand car Maruti 800 was also purchased in the name of Smt. Usha Rawat in the year, 2000 for Rs. 80,000/-

*Thus Shri Rawat in the aforesaid manner has failed to maintain absolute integrity and acted in a manner unbecoming of a Government servant and committed gross misconduct which contravened the aforesaid Rule thereby violated the provisions of Rule 3(1)(i) and Rule-3(1)(iii) of Central Civil Services (Conduct) Rules, 1964.”*

5. The Inquiry Officer was appointed on 18.12.2009. He submitted his report on 24.03.2014, holding the charge as ‘not proved’. The Disciplinary Authority, however, issued a Disagreement Note on 11.08.2014.

6. The Disciplinary Authority considered the representation made by the petitioner and disagreeing with the same, referred the case to the Union Public Service Commission (UPSC) for advice on quantum of penalty to be imposed on the petitioner. The UPSC, vide its letter dated 10.11.2015, recommended “withholding of ten per cent (10%) of the monthly pension otherwise admissible to the CO, Shri P.K. Rawat,



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*for a period of two years is imposed on him. His gratuity may be released if not required otherwise*". The petitioner submitted his representation against the said advice on 30.11.2015, which was examined and rejected by the Disciplinary Authority. On 15.01.2016, a penalty of *'withholding of ten per cent (10%) of monthly pension otherwise admissible to the CO, Shri P.K. Rawat, for a period of two years'* was imposed on the petitioner. The penalty ran its course and the full pension of the petitioner was restored in October, 2018.

7. In the meantime, on 18.01.2017, the learned ASJ/Special Judge CBI-02, New Delhi District, Patiala House Courts, New Delhi convicted the petitioner under Section 13(2) read with Section 13(1)(e) of the PC Act. On 31.01.2017, he was sentenced to undergo rigorous imprisonment for a period of two years and a fine of Rs. 5 lakhs; in default of the payment of the fine, a further simple imprisonment for a period of one year was directed. This Court admitted the appeal thereagainst, being CRL.A. 241/2017, titled ***Pramod Kumar Rawat v. CBI***, and stayed the sentence, *vide* its Order dated 03.03.2017. The appeal is pending to this date.

8. Thereafter, a Memorandum dated 25.09.2018 was issued to the petitioner on account of his conviction in the criminal case, proposing a cut in his pension and gratuity. The same, so far as is relevant to the adjudication of the present petition, is reproduced hereunder:

*"AND WHEREAS on careful consideration of the case details, the President has provisionally come to the conclusion that said Shri Pramod Kumar Rawat, Section Officer (retired), MHA, during the period of his office, proved to have been in possession of*



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*pecuniary resources or property disproportionate to his known sources of income. As such, has committed a grave misconduct, involving moral turpitude for which he deserves to be proceeded for suitable cut in pension and gratuity or both, in terms of provisions contained in Rule 8 and 9 of the CCS (Pension) Rules, 1972.*

*NOW THEREFORE, Shri Pramod Kumar Rawat, Section Officer (Retired), MHA is hereby given an opportunity to make representation, in writing on the action proposed above and also to explain as to why a suitable cut in pension or gratuity or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, should not be imposed upon him for his acts of committing grave misconduct of acquiring disproportionate assets to the tune of Rs. 10,45,763/- beyond his known sources of income during the check period of his service, for which there was no satisfactory account. Any representation which he may wish to make will be considered by the President in terms of provisions contained in the CCS(Pension) Rules, 1972. Such a representation, if any, should be made so as to reach the undersigned not later than 15 days from the date of receipt of this Memorandum by Shri Pramod Kumar Rawat, Section Officer (Retired). If no representation is received within the stipulated time, it will be presumed that he has nothing to submit in the matter and the case will be processed as per provisions contained in CCS (Pension) Rules, 1972. The receipt of this Memorandum should be acknowledged."*

9. The petitioner submitted his representation against the Memorandum dated 25.09.2018 on 08.10.2018. The same was considered by the Competent Authority and was rejected. The UPSC,



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*vide* its letter dated 28.02.2019, proposed a penalty of ‘withholding 100% (hundred percent) of the monthly pension otherwise admissible to the CO, Shri Pramod Kumar Rawat as well as forfeiture of his entire gratuity’. The same was imposed on a permanent basis. Representations against this were submitted by the petitioner on 08.04.2019 and 22.04.2019.

10. Eventually, *vide* Order dated 13.05.2019, a penalty of ‘withholding of 100% (hundred percent) of the monthly pension otherwise admissible to the Charged Officer- Shri Pramod Kumar Rawat on permanent basis as well as forfeiture of his entire gratuity on permanent basis’ was imposed on the petitioner under Rule 9 of the Central Civil Services (Pension) Rules, 1972 [‘CCS (Pension) Rules’].

11. The petitioner approached the learned Tribunal by way of the above O.A. praying for the following reliefs:

- “a) to quash and set aside the impugned order No. C-14014-1/2018-VC dated 13.05.2019*
- b) to release the pension and gratuity with penal rate of interest*
- c) provide exemplary compensation may be imposed upon the Respondent for the mental agony suffered by the Applicant*
- d) Any other order as may be deemed fit by the Hon’ble Tribunal.”*

12. The learned Tribunal dismissed the said O.A., *vide* the Impugned Order, with the following findings:

- “7. The basic facts are not in dispute. A search was conducted at the residence of the applicant on 28.05.2005 and 30.05.2005 and a case was registered by the CBI. Even while taking the steps for institution of a case, the*



*CBI recommended initiation of disciplinary proceedings also. It is not uncommon that on the same set of allegations, the departmental proceedings on the one hand and the criminal proceedings on the other, are instituted. In certain cases, the employee seeks stay of the departmental proceedings by taking the plea that he would be required to reveal his defence in case the departmental proceedings are taken forward. In the instant case, the applicant did not raise that plea and participated in the departmental proceedings. That ended in imposition of withholding of 10% of monthly pension. Thereafter, the Criminal Court rendered its judgment on 18.01.2017 convicting the applicant for offences punishable under the relevant provisions of Prevention of Corruption Act. He was also sentenced to undergo imprisonment.*

*8. Once the Criminal Court convicts an employee on the charges of moral turpitude, the appointing authority is placed under obligation to dismiss him from service. This is the purport of Article 311 (2) of the Constitution of India. In addition to that, Rule 19 (2) of CCS (CCA) Rules, 1965 provides for this. As and when such a punishment is imposed, it can be said in a way that the earlier punishment, which is imposed on the basis of the departmental proceedings, merges into it and they cannot operate independently. To suggest that once the punishment was imposed on the basis of departmental proceedings, the consequences, provided for under Article 311 (2) of the Constitution of India or Rule 19 (2) of CCS (CCA) Rules, 1965, should not ensue, would amount to subverting the very scheme contemplated under the Constitution and the Service Rules.*

*9. In a given case, the employee facing serious charges of corruption may encourage the institution of departmental proceedings leading to imposition of minor punishment and*



*then to prevent the consequences flowing from Article 311 (2) of the Constitution or Rule 19 (2) of CCS (CCA) Rules, 1965.*

*10. It is true that the Hon'ble Madras High Court made certain observations in a matter where the facts were somewhat similar and treated such an exercise as double jeopardy. From the judgment, it does not appear that the attention of Hon'ble Madras High Court was drawn to Article 311 (2) of the Constitution or the provisions akin to Rule 19 (2) of CCS (CCA) Rules, 1965 and the CCS (Pension) Rules. It is a different matter that if the Appeal preferred against the judgment of Criminal Court is allowed and the applicant is acquitted, he may get the entire pension. However, till such time, it cannot be said that there is any double jeopardy.*

*11. We do not find any merit in this O.A. It is accordingly dismissed. ...”*

13. Aggrieved of the above, the petitioner has filed the present petition.

**SUBMISSIONS BY THE LEARNED COUNSEL FOR THE PETITIONER**

14. The learned counsel for the petitioner submits that the departmental proceedings under Rule 14 of the CCS (CCA) Rules were instituted against the petitioner on 24.08.2009 on account of the criminal case registered against him under Section 13(2) read with Section 13(1)(e) of the PC Act. A major penalty of withholding 10% of monthly pension for a period of two years was then imposed on the petitioner vide an order dated 15.01.2016. He highlights that thereafter, on the basis of the criminal conviction in the same case,





another penalty of withholding 100% of the petitioner's monthly pension as well as forfeiture of his entire gratuity on permanent basis was imposed. He submits that hence, on the basis of the same facts, two penalties have been imposed on the petitioner. He contends that having imposed the first punishment, the respondents were barred from inflicting another penalty. He highlights that there is no concept of merger of the penalty or revision of penalty in service law.

15. He submits that the said action is also violative of Article 20(2) of the Constitution of India and amounts to double jeopardy. He places reliance on the Judgment of the Supreme Court in *Sangeetaben Mahendrabhai Patel v. State of Gujarat & Anr.*, (2012) 7 SCC 621, and of the Madras High Court in *D. Narayanan v. District Revenue Officer, Virudhunagar District & Ors.*, 2009 SCC OnLine Mad 526, to buttress his arguments.

16. He submits that the criminal appeal against the petitioner's conviction in the criminal case is pending before this Court and that the sentence has been stayed.

17. He submits that therefore, the Impugned Order passed by the learned Tribunal as well as the penalty order are liable to be set aside. The respondents should be directed to release full pension and gratuity along with arrears and interest to the petitioner.

**SUBMISSIONS BY THE LEARNED COUNSEL FOR THE RESPONDENTS**

18. The learned counsel for the respondents submits that there is no bar on the Disciplinary Authority to impose multiple penalties, if the



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indictment is for different reasons/misconducts, with different sets of charges being duly communicated to the government servant.

19. He submits that the first penalty order was issued in the disciplinary case in which the charge against the petitioner was that while he was working as a Section Officer in the MHA, he entered into various financial transactions in his name as well as in the name of his wife and son during the period from 01.01.1996 to 30.05.2005, without giving intimation to the Government as was required under Rule 18 of the CCS (Conduct) Rules, 1964. He submits that the second penalty order arose from the petitioner being convicted for committing grave misconduct of possessing assets disproportionate to his known sources of income to the tune of Rs. 10,45,763/- during the check period from 01.01.1996 to 30.05.2005. He submits that, therefore, no case of double jeopardy is made out.

20. He places reliance on the Judgement of the Supreme Court in ***Life Insurance Corporation of India v. Mukesh Poonamchand Shah***, (2020) 12 SCC 144, to submit that irrespective, no question of double jeopardy arises when the service regulations empower the employer to proceed against the employee upon his conviction on criminal charge. He states that whenever an employee is convicted in a criminal case on allegations involving moral turpitude, Article 311(2) of the Constitution of India provides for dismissal from service without conducting any inquiry. Further, the CCS(Pension) Rules provide for forfeiture of pension.

21. He contends that the principles of natural justice were duly observed before imposing both the penalties upon the petitioner and



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due approval of the Competent Authority was taken. He highlights that even the conviction of the petitioner under Section 13(2) read with Section 13(1)(e) of PC Act, has not been stayed by any Court of law.

22. He contends that the present petition being devoid of merit, deserves to be dismissed.

### **ANALYSIS AND FINDINGS**

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

24. We have reproduced hereinabove the Charge which was issued to the petitioner *vide* Memorandum dated 25.09.2009. The same was on an allegation that the petitioner had failed to give the intimation regarding the financial transactions undertaken by him in his name as well as in the name of his wife and son during the period 01.01.1996 to 30.05.2005. As against this, the order dated 13.05.2019 passed against the petitioner under Rule 9 of the CCS (Pensions) Rules is based on his conviction under Section 13(2) read with Section 13(1)(e) of the PC Act. The basis of the two penalty orders are therefore totally distinct and not the same. To reiterate, while one is based on failure of the petitioner to report the financial transactions, the other is on the petitioner being found in possession of disproportionate funds to his known sources of income and being convicted for the same. In such a scenario, the principle of double jeopardy shall have no application.

25. In *Sangeetaben Mahendrabhai Patel* (supra), relied upon by



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the petitioner, the non-applicability of principle of double jeopardy to a case where the penalty in the previous case was not for the same offence, was highlighted as under:

*“33. In view of the above, the law is well settled that in order to attract the provisions of Article 20(2) of the Constitution i.e. doctrine of autrefois acquit or Section 300 CrPC or Section 71 IPC or Section 26 of the General Clauses Act, the ingredients of the offences in the earlier case as well as in the latter case must be the same and not different. The test to ascertain whether the two offences are the same is not the identity of the allegations but the identity of the ingredients of the offence. Motive for committing the offence cannot be termed as the ingredients of offences to determine the issue. The plea of autrefois acquit is not proved unless it is shown that the judgment of acquittal in the previous charge necessarily involves an acquittal of the latter charge.”*

26. Applying the said test to the facts of the present case, while the ingredients of the first charge-sheet/penalty were that the petitioner had failed to give intimation regarding his financial transactions, the second order of penalty was passed on the basis of the petitioner's conviction for possession of assets disproportionate to his known sources of income, therefore, the principle of double jeopardy has no application to the facts of the present case.

27. In any case, as held by the Supreme Court in **Mukesh Poonamchand Shah** (supra), the rule of double jeopardy will have no application as a separate power under Rule 9 of the CCS (Pensions) Rules is reserved with President to withhold the pension of a Government Employee who is found guilty of grave misconduct



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during the period of service. We quote from the judgment as under:

*“14. Regulation 39(1) of the 1960 Regulations deals with the penalties which can be imposed upon an employee who is found guilty of misconduct. Regulation 39(2) mandates compliance with the principles of natural justice in terms of providing a reasonable opportunity to the employee to defend the charges. Regulation 39(4) operates with a non obstante clause. In terms of Regulation 39(4)(i), “where a penalty is imposed on an employee on the grounds of conduct which had led to a conviction on a criminal charge”, the appellant is independently entitled to take steps against the employee. It is in pursuance of the above provision that a notice to show cause was issued to the respondent. The penalty which was imposed on the disciplinary enquiry was for an act of misconduct. The notice which has been issued under Regulation 39(4) is for the conviction on a criminal charge. The former does not foreclose the latter.”*

28. The Supreme Court in the above judgment had also placed reliance on its earlier judgment in ***State of Haryana v. Balwant Singh***, (2003) 3 SCC 362, wherein the employee had been first subjected to a reduction of pay to the minimum of the time scale of driver for four years on the allegation of causing loss to the employer due to an accident and award of compensation by a Motor Accident Claim Tribunal, however, was later terminated from service due to his conviction for offences under Sections 279/337/338 and 304-A of the Indian Penal Code, 1860. The Supreme Court held that the principle of double jeopardy had no application in the said facts.

29. As far as the reliance placed by the petitioner on the judgment of the Madras High Court in ***D. Narayanan*** (supra) is concerned, the



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same was based on the peculiar facts wherein the employee had been proceeded against in both, departmental as also in the criminal proceedings, on the same charges, and on the criminal charge, he had been sentenced to imprisonment till rising of the Court with fine on the admission of the guilt by him. While we do have some reservation against the finding of the High Court, we need not go further than to say that the facts of the said case are clearly distinguishable.

30. Coming to the submission of the petitioner that the criminal appeal of the petitioner is still pending adjudication before the High Court, we may again note that, while his sentence has been suspended in such appeal, the conviction still stands. In ***Mukesh Poonamchand Shah*** (supra), the distinction between the two was highlighted by the Supreme Court by observing that the law on this point is well settled; while the Court hearing a criminal appeal does have the power to suspend the conviction in appropriate cases, this is an exceptional power which can be exercised only when the attention of the Court is drawn to the consequences which may ensue if the conviction is not stayed. Placing reliance on the earlier judgment of the Supreme Court in ***Director of Collegiate Education (Admn.) v. S.Nagoor Meera***, (1995) 3 SCC 377, the Supreme Court held that taking proceedings for and passing order of dismissal/removal/reduction in rank of Government Servant, who has been convicted by a Criminal Court, is not barred merely because the sentence or order is suspended by the Appellate Court; the only effect will be that if the employee succeeded in the appeal, the matter can always be reviewed in such a manner that he suffers no prejudice.



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31. For the reasons stated hereinabove, we find no merit in the present petition. The same is, accordingly, dismissed.
32. The pending application is also disposed of being infructuous.
33. There shall be no order as to costs.

**NAVIN CHAWLA, J.**

**MADHU JAIN, J.**

**DECEMBER 23, 2025/Arya/ik**