



2025:DHC:9372-DB



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

Date of decision: 15th October, 2025

IN THE MATTER OF:

+ **W.P.(C) 154/2015**

NAIK SHEOPAL

.....Petitioner

Through: Ms. Archana Ramesh and Mr. Sonu Sharma, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Dr. Monika Arora, CGSC, UOI with Mr. Subhrdeep Saha, Mr. Prabhat Kumar, Ms. Anamika Thakur and Mr. Abhinav Verma, Advs.
Major Anish Muralidhar (Army).

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. The challenge in this writ petition is to the Summary Court Martial proceedings conducted against the Petitioner and the decision taken by the Respondents holding the Petitioner guilty and directing reduction of rank and forfeiture of service for two years of pension.
2. It is stated that the Petitioner was enrolled in the Army Ordnance Corps on 17.07.1991. It is stated that since the Petitioner wanted to serve as a Junior Commissioned Officer (Religious Teacher) , he applied for the said post.
3. It is the case of the Petitioner that one Naik/GD VK Shukla demanded



a sum of Rs.1 lakh with a promise that he would get the Petitioner cleared by the Interviewing Board. The Petitioner gave a written complaint to ADG Recruiting Directorate at Army HQ on 06.02.2025.

4. When matter was reported to the higher authorities, the Petitioner retracted his complaint. Proceedings were initiated against the Petitioner for offences under Section 56 of the Army Act. Section 56 of the Army Act, 1950 reads as under:-

"56. False accusations.

Any person subject to this Act who commits any of the following offences, that is to say,--

(a) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(b) in making a complaint under section 26 or section 27 makes any statement affecting the character of any person subject to this Act, knowing or having reason to believe such statement to be false or knowingly and wilfully suppresses any material facts; shall, on conviction by court-martial be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned."

5. The Court of Inquiry was constituted and the proceedings were held from June-August, 2005. The Court of Inquiry was finalized with a decision to initiate disciplinary action against the Petitioner on two counts:-

- a) Levelling of false allegations against No.14410295Y NK/GD VK Shukla of Artillery Centre, Hyderabad who purportedly made a demand of Rs.1 lakh from him for distributing the same to the nine Religious Teachers who constituted the members of the Interviewing Board.



- b) Un-soldierly conduct during the Court of Inquiry proceedings and refusal to sign on the statement given by him to the Court.
6. The Petitioner was attached to the Artillery Centre, Hyderabad, w.e.f. 20.02.2006 for further disciplinary action. He was further attached to 2 Training Regiment by HQ Artillery Centre, Hyderabad. Since the attachment of the Petitioner with the 2 Training Regiment was later realized to be out of order in June, 2006, the disciplinary proceedings till then were found to be not tenable. It is stated that fresh attachment order was issued by HQ Delhi Area and the Petitioner was attached to 1 Training Regiment, Artillery Centre, Hyderabad, w.e.f. 15.07.2006 to 22.03.2007.
7. Disciplinary proceedings were conducted against the Petitioner by 1 Training Regiment, Artillery Centre, Hyderabad and the charge was heard as per Rule 22 of the Army Rules on 23.08.2006. The Summary of Evidence was conducted and the same was completed on 28.10.2006.
8. A communication for trial of the case by Summary Court Martial was made and the proceedings against the Petitioner were held from 12.03.2007 to 21.03.2007 where the Petitioner pleaded 'Not Guilty' to both the charges. Four prosecution witnesses were examined. No defence witness was produced.
9. On the completion of the Summary Court Martial proceedings, the Petitioner was found 'guilty' and was sentenced to:-
- a) Reduction of rank.
 - b) Forfeiture of two years of service for pension.
10. Aggrieved by the same, the Petitioner has approached this Court by filing the instant writ petition.
11. Reply has been filed by the Respondent. Pleadings are complete.
12. The principal challenge by the Petitioner is against the entire



proceedings and the manner in which the Summary Court Martial was conducted. It is the case of the Petitioner that he could not have been attached with 1 Training Regiment, Artillery Centre, Hyderabad for the purposes of court martial. It is therefore contended that the Summary Court Martial lacks jurisdiction.

13. It is contended by the Petitioner that the only competent authority to hold the court martial proceedings was the Commanding Officer of his parent Unit- Central Vehicle Depot, Delhi Cantt. and not the Commanding Officer of 1 Training Regiment, Artillery Centre, Hyderabad.

14. Learned Counsel for the Petitioner places reliance on the Judgment dated 25.01.2008 passed by a Coordinate Bench of this Court in W.P.(C) 2511/1992 titled as Ex. LN Vishav Priya Singh v. Union of India and also the Judgment dated 01.09.2010 passed by the Armed Forces Tribunal in T.A. No.343/2010 titled as WG. CDR. Ajit Singh v. Union of India & Ors. to substantiate his contentions.

15. It is contended by the Respondents that while serving at the Central Vehicle Depot, Delhi Cantt. the Petitioner had appeared before the Interviewing Board at Artillery Centre, Hyderabad, for selection as a Religious Teacher in the Army. The complaint was given by the Petitioner and the Integrated HQ of Ministry of Defence (Army) had forwarded the complaint of the Petitioner alleging demand of Rs. 1 lakh by VK Shukla of Artillery Centre, Hyderabad to HQ Southern Command, Pune. It was directed to convene a Court of Inquiry to investigate the circumstances under which the candidates were asked Rs. 1 lakh to pass the interview conducted at Artillery Centre, Hyderabad.

16. It is stated that on receiving directions from HQ Southern Command, Pune, a Court of Inquiry was conducted which was presided over by the



Comandant, EME Centre, Secunderabad. It is stated that the Court of Inquiry was finalized with the directions of the GOC, Andhra, Tamil Nadu, Karnataka & Kerala Area (ATNK & K Area), Chennai to initiate disciplinary action against the Petitioner and the proceedings were conducted accordingly. It is therefore contended that the contention of the Petitioner that the court martial has been conducted without any jurisdiction cannot be accepted.

17. Heard learned Counsel for the parties and perused the material on record.

18. Material on record discloses that the Petitioner was attached to Central Vehicle Depot, Delhi Cantt. and was to participate in the recruitment process of Religious Teacher and had to appear before the Interviewing Board at Artillery Centre, Hyderabad for selection as a Religious Teacher (Pandit).

19. The first prosecution witness is Lt. Col. SK Singla, HQ 20 Mountain Division, who at the relevant point of time was posted as Assistant Adjutant General at Recruiting Directorate, Army HQ, has categorically stated that the Petitioner had come to him twice or thrice with his complaint regarding irregularity in the recruitment process and had mentioned that he was the candidate appearing before the Interviewing Board at the Artillery Centre, Hyderabad for selection as a Religious Teacher (Pandit). He was asked to pay some money to the Interviewing Board to ensure his selection and that he was discriminated by the members of the Interviewing Board due to castism. He has also deposed that the Petitioner had given a hand written complaint about his grievances. The said witness has been cross-examined by the Petitioner.

20. On a pointed question by the Petitioner that the witness had not seen



the accused, the said suggestion was denied and it was asserted by the witness that he has seen the accused twice or thrice in his office. There are observations by the Summary Court Martial that irrelevant suggestions have been put by the accused.

21. The second prosecution witness is Col G Ravi Kumar. He was Commanding EME Depot, Secunderabad. He also states that the Petitioner had given the complaint. The said witness has also been cross-examined.

22. The third prosecution witness is Lt. Col Sandeep Vinayak, AOC Centre, Secunderabad, also reveals that complaint had been given by the Petitioner.

23. The fourth prosecution witness is Nb Sub (RT) Vinod Kumar Shukla, against whom allegations have been made by the Petitioner. He states that he had never met the Petitioner before meeting him at EME Centre, Secunderabad for the Court of Inquiry.

24. On the basis of the material on record, the Petitioner has been found guilty and the punishment of reduction of rank and the forfeiture of two years of service for pension has been imposed on him.

25. Material on record indicates that the inquiry was conducted in a proper manner, sufficient opportunity has been given to the accused, high ranking officials have categorically deposed that the Petitioner had given the complaint seeking bribe. In view of the above, no infirmity can be found in the decision making process.

26. Attention of this Court has been drawn to the Army Order 7/2000 and more particularly Paragraph 1 and 8, which read as under:-

"1. In a number of personnel subject to the Army Act, other than officers, are necessitated process their cases in criminal courts or under the Army Act. The contained in the succeeding Paras would henceforth,



be followed in to their attachments away from their units. It hardly needs an emphasis that proper attachment of such personnel, particularly for proceeding against them under the Army Act, bestows jurisdiction upon the officer commanding the unit to which attached and the Cdrs in chain. Therefore, there is an imperative need to ensure that there is no default in regard to the attachment, including that the same is ordered by the authority competent to do so as provided herein under.

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8. Persons subject to the Army Act, committing offences while away from their parent units, will not, except in the case of offences committed by deserters, be returned to their units for disposal, as it would involve absence from normal duties of persons required as witnesses and escorts. "

27. It has not been denied by the Petitioner that he had made a complaint against V K Shukla that he demanded money. The said offence has been committed by the Petitioner while he was away from his parent unit. In view of Paragraph 8 of the Army Order 7/2000, this Court does not find any illegality in the Summary Court Martial being conducted in the Unit where the offence has been committed.

28. In the grounds of writ petition, it has been contended by the Petitioner that the decision taken by the Summary Court Martial *sans* any reason, does not warrant any discussion in view of the categorical pronouncement by the Judgment of the Apex Court in Union of India v. Dinesh Prasad, (2012) 12 SCC 63, wherein the Apex Court has observed as under:-

" 24. The learned counsel for the respondent placed heavy reliance upon the decisions of this Court in Punjab National Bank v. Kunj Behari Misra [(1998) 7 SCC 84 : 1998 SCC (L&S) 1783] , Maneka



Gandhi v. Union of India [(1978) 1 SCC 248 : AIR 1978 SC 597] and Roop Singh Negi v. Punjab National Bank [(2009) 2 SCC 570 : (2009) 1 SCC (L&S) 398] in support of his submission that the order of dismissal from service by the Summary Court Martial was in violation of principles of natural justice. We are afraid none of these decisions has any application to the facts of the present case. There is no violation of principles of natural justice. No illegality has been committed in convening the Summary Court Martial by the Commanding Officer nor is there any illegality in the conduct of the Summary Court Martial. The respondent pleaded guilty to the charge before the Summary Court Martial and the Summary Court Martial found him guilty. It was only then that the order of dismissing the respondent from service was passed. It is now settled that no reasons are required to be recorded by the Court Martial."

29. The fact that the complaint has been given by the Petitioner and the same has been withdrawn later, the categorical deposition of three witnesses against whom no bias can be alleged and who categorically deposed that complaints had been made against V K Shukla that he demanded money which does not stand controverted and that sufficient opportunity has been given to the Petitioner to cross-examine and the fact that Paragraph 8 of the Army Order 7/2000 permit conduct of the summary court trial where the offence has been committed except in case of deserters. No infirmity can be found in the proceedings of the Summary Court Martial or the decision taken by the Respondent.

30. The scope of interference by High Court in departmental enquiry proceedings is now well settled. The Apex Court in the Judgment of State of A.P. v. S. Sree Rama Rao, **1963 SCC OnLine SC 6**, has held that the High



Court is not constituted in a proceeding under Article 226 of the Constitution as a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. The relevant portion reads as under:

“7. There is no warrant for the view expressed by the High Court that in considering whether a public officer is guilty of the misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court, must be applied, and if that rule be not applied, the High Court in a petition under Article 226 of the Constitution is competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not constituted in a proceeding under Article 226 of the Constitution a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant : it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant



considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution.”

31. The Apex Court in Sanjay Kumar Singh v. Union of India, (2011) 14 SCC 692, has held as under:

“22. So far as the departmental proceedings are concerned it is for the departmental authorities to conduct an inquiry in accordance with the prescribed rules. The role of the court in the matter of departmental proceedings is very limited and the court cannot substitute its own views or findings by replacing the findings arrived at by the authority on detailed appreciation of the evidence on record.”

32. The Apex Court in Union of India v. P. Gunasekaran, (2015) 2 SCC 610, has held that the High Court in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappraisal of the evidence. The relevant portion of the said Judgment reads as under:

“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappraising even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in



exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- (i) the finding of fact is based on no evidence.*

13. *Under Articles 226/227 of the Constitution of India, the High Court shall not:*

- (i) reappreciate the evidence;*
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii) go into the adequacy of the evidence;*
- (iv) go into the reliability of the evidence;*
- (v) interfere, if there be some legal evidence on which findings can be based.*
- (vi) correct the error of fact however grave it may appear to be;*
- (vii) go into the proportionality of punishment unless it shocks its conscience.”*



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33. The inquiry has been conducted by giving full opportunity to the Petitioner. There is no violation of the statutory rules. The misconduct has been committed when the Petitioner had appeared before the Interviewing Board at Artillery Centre, Hyderabad for selection as a Religious Teacher in the Army where he alleged that money was demanded from him. The inquiry has been on the directions of the HQ Southern Command, Pune and no infirmity has been pointed out as to which rule has been violated. In the opinion of this Court, Army Order 7/2000 has been followed by the Respondent.

34. With these observations, the petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

OCTOBER 15, 2025

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