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

Date of Decision: 23rd January, 2026.

\+ W.P.(C) 11490/2021, CM APPL. 49890/2022

PRAKASH KRISHNA SHAMBHARKAR .....Petitioner

Through: Mr. V. Shashank Kumar, Advocate.

versus

AIRPORTS AUTHORITY OF INDIA .....Respondent

Through: Mr. Digvijay Rai, SC with Mr. Archit Mishra and Mr. Aayush Anand, Advocates for AAI with Ms. Tanya Rohilla, Manager (Law) with Mr. Jayesh Bhargava, JE (Law).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The Petitioner assails the disciplinary proceedings and the penalty of compulsory retirement with retiral benefits imposed upon him.

The Controversy

2. The controversy centres around two communications issued by the Petitioner while he was posted as Airport Controller at Raipur Airport, namely letters dated 6th January, 2007 and 25th June, 2007, in relation to a private entity, Sai Flytech Aviation Pvt. Ltd., which was pursuing approvals for flying training activities and allied operations. According to Airports

Authority of India[1], the Petitioner, without authority, issued the said communications, which were subsequently relied upon by the private entity to obtain regulatory approvals, thereby conferring an undue benefit and compromising established institutional protocols.

3. The Petitioner disputes these allegations and contends that the communications in question were not "*No Objection Certificates*" in the legal or operational sense. It is asserted that the letters were routine communications issued in good faith at the station level, during a period when the delineation of duties and delegations was, according to the Petitioner, not clearly codified. The Petitioner denies any intent to mislead or to confer an undue advantage upon any third party.

Background and Chronology

4. The Petitioner joined AAI in the year 1991. During his tenure as Airport Controller at Raipur Airport in 2007, Sai Flytech Aviation Pvt. Ltd. sought approvals for establishing a Flying Training Institute and, subsequently, for change of base of its operations. The two communications attributed to the Petitioner, dated 6th January, 2007 and 25th June, 2007, form the foundation of the disciplinary action initiated against him. The same are extracted hereunder:

Letter dated 6th January, 2007

> *"To,*
> ***The Sai Flytech Aviation Pvt. Ltd.***
> ***7, Building No.389, South Ex. Tower,***
> ***South Extension Part-II,***
> ***New Delhi-110 049.***
>
> ***Subject: Allotment of Parking Place, /Allotment of Space for Hanger. Use of Runway, Provision of Air Traffic Control Services,***

[1] "AAI"

Safety Services, for the purpose of Flying

Sir,

With reference to your letter dated January 5th 2007 on the subject cited above this is to inform you that,

1) At Raipur Airport we have disused Runway where parking for Single Engine 4 Numbers of aircraft and One MEL will be allotted to you initially only after your Company received your Training Aircraft, You have to make permanent Arrangement of parking for your own Aircrafts in your Own hanger.
2) Use of Runway, Provision of Air Traffic Control Services will be provided Within the ATC watch hours at Raipur Airport
3) At present we have Fire Fighting Category VI at Raipur Airport, which is Suitable for flying club single, engine Aircraft for the purpose of Training Flights. Safety Services for the purpose of flying will be provided within the ATC watch hours at Raipur Airport.
4) At present there is No flying Club in Raipur Airport. For the purpose of flying Training/Hanger spaces for parking of aircrafts you have obtain necessary permission or NOC from our Airports Authority of India CHO, New Delhi.

Thanking You

PRAKASH SHAMBHARKAR
APC, RAIPUR AIRPORT"

Letter dated 25th June, 2007

"To.

The Managing Director,
SaI Flytech Aviation Pvt. Ltd.,
Plot No. 7, Road No. 1, Silver Oak Marg Ghitorni,
New Delhi-110030.

Sub:- Provision of ATC services at Bilaspur Airport for local flying operation

Sir,

With reference to your letter dated 25.06.2007. This is to inform you that there is no ATC operation at Bilaspur Airport. Therefore during the local flying at Bilaspur Airport clearance to be obtained positively form Raipur ATC and in co-ordination with Mumbai FIC, Raipur ATC has NO OBJECTION to provide ATS

services for local flying at Bilaspur in co-ordination with Mumbai FIC.

Yours Faithfully

Date: 25.06.2007

P. Shambharkar
Airport Controller"

5. A major penalty charge-sheet was thereafter issued to the Petitioner under Regulation 29 of the Airports Authority of India Employees (Conduct, Discipline and Appeal) Regulations, 2003. A departmental inquiry ensued, culminating in an inquiry report dated 20th September, 2019, wherein both Articles of Charge were held to be proved. Accepting the findings of the Inquiry Officer, the Disciplinary Authority imposed the penalty of compulsory retirement by order dated 1st September, 2020. The appeal preferred by the Petitioner came to be dismissed by the Appellate Authority on 26th March, 2021.

Articles of Charge

6. The Articles of Charge framed against the Petitioner are summarised as under:

6.1. Article I alleged that the Petitioner "*unauthorizedly issued*" a letter dated 6th January, 2007 to Sai Flytech Aviation Pvt. Ltd. permitting Air Traffic Control services at Raipur Airport.

6.2. Article II alleged that the Petitioner "*unauthorizedly issued*" a letter dated 25th June, 2007 described as a "*No Objection Certificate*" from the Air Traffic point of view, and that he made endorsements such as "*Flying School*" and "*NO OBJECTION*", thereby conveying a misleading impression that an official AAI NOC had been granted in favour of the said private entity.

7. The statement of imputation expands the allegations: that the letter dated 6th January, 2007 was utilised by the private entity for obtaining in-principle approval for a Flying Training Institute at Raipur, while the letter dated 25th June, 2007 was relied upon to secure approval from the Directorate General of Civil Aviation[2] for shifting base/operations to Bilaspur. The imputation also records that AAI considered the issuance and the non-retention of these letters in official records as reflective of irregularity, and it also adverts to the CFSL opinion attributing the relevant writing to the Petitioner.

The Petitioner's contentions

8. The two communications relied upon by the Respondents have been erroneously elevated to the status of "*No Objection Certificates*", and the disciplinary findings rest on that foundational mischaracterisation rather than on any proved act of unauthorised grant of permission.

8.1. The premise embedded in the charge that the communications were "*unauthorised*" is disputed. At the station level, the Airport Controller functions as the operational point of contact for Air Traffic Management related correspondence and is expected to respond to communications received at the unit. A response to an incoming query, by itself, cannot constitute misconduct unless it is shown that the communication crossed jurisdictional limits and purported to grant an approval which lay beyond the officer's authority.

8.2. The letter dated 6th January, 2007 is neither an NOC nor an approval. It is a factual and preliminary response to an enquiry regarding facilities and operational feasibility. Emphasis is placed on the portion of the letter which

[2] "DGCA"

recorded that any "n*ecessary permission or NOC*" for flying training and hangar or parking facilities was required to be obtained from AAI Corporate Headquarters, New Delhi. The communication is only cautionary and conditional, directing the proponent to the competent authority rather than conferring any permission.

8.3. Reliance is placed on the DGCA Civil Aviation Requirements[3], Section 7, Series D, Part I, which prescribe the parameters for issuance of an NOC from the Air Traffic Services perspective. The said framework contemplates a defined operational assessment and checklist, and the letter dated 6th January, 2007 does not satisfy those requirements. A document which neither undertakes the mandated assessment nor records clearances in the manner contemplated by the CAR cannot subsequently be treated as an ATS NOC merely because it responded to an initial query.

8.4. Similarly, the letter dated 25th June, 2007 is not accepted to be an AAI NOC for establishment of a flying training school at Bilaspur. Bilaspur did not have Air Traffic Control facilities at the relevant time; any local flying activity necessarily required coordination arrangements; and the communication merely indicated that there was no objection from Raipur ATC to providing services for local flying in coordination with Mumbai FIC. The letter is, thus, only a coordination-related communication. It did not purport to grant approval to set up a flying school, nor did it confer any right upon the proponent to commence training operations without obtaining the requisite approvals from the competent authorities.

8.5. The adverse inference drawn from the alleged absence of station-level records is also disputed. Non-availability of office copies, dispatch entries,

or complete documentation is attributed to staffing constraints, administrative transitions, and the operational realities prevailing at the station at the material time. Deficiencies in record management, without more, are insufficient to establish misconduct, particularly where the burden lies on the Respondents to prove the issuance of an unauthorised and culpable permission.

8.6. On procedure, a separate challenge is raised founded on principles of natural justice and compliance with the governing inquiry framework. It is urged, *inter alia*, that (i) listed/material witnesses were not examined, (ii) effective opportunity of cross-examination was denied, and (iii) reliance was placed on written statements and documents without producing their authors for examination. These departures vitiate the inquiry as they strike at the fairness of the fact-finding exercise. The principle invoked is that while disciplinary proceedings do not mirror a criminal trial, the delinquent employee must nevertheless be afforded a real and effective opportunity to meet the case against him, and denial of such opportunity, where it causes prejudice, renders the disciplinary outcome vulnerable to judicial review.

The Respondent's contentions

9. The writ petition is opposed on the ground that no case for interference under Article 226 of the Constitution is made out. The defence proceeds on the premise that the petition seeks a re-appreciation of evidence and substitution of the Court's view for that of the disciplinary authority, which is impermissible. Once a departmental enquiry is conducted in accordance with the governing disciplinary framework and the findings are supported by some evidence on record, the Writ Court does not sit as an

[3] "CAR"

appellate forum over the correctness of the factual conclusions or proportionality of the inferences drawn therefrom.

9.1. On merits, the Petitioner had no competence to issue either of the two communications in the form and tenor in which they were issued. The documents were not innocuous station-level replies but communications capable of being understood and acted upon as permissions or clearances. The private proponent, in fact, utilised the letters to secure regulatory and administrative advantage. Considering the Petitioner's position and awareness of institutional protocols, issuance of any communication capable of being construed as an NOC or as an operational clearance for flying training activities is impermissible. Emphasis is placed on the institutional and safety-related risks involved in aviation operations, where permissions and clearances are required to follow a clearly defined chain of approvals.

9.2. The absence of office copies and/or dispatch entries cannot be characterised as a minor administrative lapse but as a serious irregularity, particularly when the communications pertain to operational and safety-related matters and are subsequently relied upon by a private entity. Maintenance of contemporaneous records is integral to accountability in aviation administration, and the failure to retain office copies or to maintain traceable dispatch details fortifies the inference that the communications were not issued through proper channels and were outside the institutional framework.

9.3. The Disciplinary Authority did not act mechanically or with pre-determination. The explanation offered, including the assertion that the communications were conditional/cautionary and not intended as NOCs, was examined at length, but was found unpersuasive when assessed in light

of the nature and tenor of the documents, their actual use by the private entity, and the admitted role of the Petitioner in issuing them.

9.4. The challenge on the ground of violation of principles of natural justice and procedure is devoid of merit. The Petitioner was afforded adequate opportunity at all stages of the proceedings, including issuance of the charge-sheet, supply of relied-upon documents, participation in the inquiry, and consideration of the representation submitted after furnishing of the inquiry report. Further, the grievance relating to cross-examination and non-examination of witnesses is unsupported by the inquiry record. Neither the Petitioner nor the defence assistant sought examination of specific witnesses or insisted upon cross-examination during the inquiry proceedings. The presenting officer elected to rely primarily on documentary evidence, and in such circumstances, the inquiry is not vitiated merely because oral witnesses were not produced.

Issues

10. The petition raises the following questions for determination:

10.1. Whether the findings of guilt on Article I and Article II suffer from perversity, absence of evidence, or such patent unreasonableness as would justify interference in exercise of writ jurisdiction under Article 226.

10.2. Whether, on a fair and holistic reading, the letters dated 6th January, 2007 and 25th June, 2007 could be construed as unauthorised No Objection Certificates or as communications intended to convey an AAI NOC, and whether the explanation offered plausibly dislodges the charge on the standard applicable to departmental proceedings.

10.3. Whether any procedural infirmity, including the grievance relating to non-examination of witnesses and denial of cross-examination, stands

established from the inquiry record, and if so, whether such infirmity caused prejudice sufficient to vitiate the disciplinary proceedings.

10.4. Whether the penalty imposed upon the Petitioner is so disproportionate to the misconduct proved as to shock the conscience, within the limited parameters recognised in service jurisprudence.

Scope of judicial review

11. The writ jurisdiction under Article 226 does not convert this Court into a second forum of fact-finding over a departmental inquiry. Interference lies where the decision-making process suffers from a jurisdictional error, a manifest breach of natural justice, reliance on no evidence, findings so unreasonable as to amount to perversity, or a penalty so disproportionate that it shocks the conscience.[4] Within these bounds, the inquiry authority remains the primary judge of facts, and this Court tests the legality and fairness of the process rather than re-appreciating the evidence.

12. This restraint assumes significance where the charge turns on contemporaneous official documents and the disciplinary authority has recorded reasons after affording opportunities contemplated by the governing regulations. In such circumstances, judicial review is concerned with whether the delinquent officer had a fair chance to meet the case and whether the conclusions rest on material that a reasonable authority could accept.

13. Even within this narrow compass, the Articles of Charge warrant brief examination on merits, since the challenge is pitched on authority and character of the communications. The Court accordingly proceeds to

[4] ***B.C. Chaturvedi v. Union of India*** (1995) 6 SCC 749; ***Union of India v. P. Gunasekaran*** (2015) 2 SCC 610; ***State of Andhra Pradesh v. S. Sree Rama Rao*** 1963 SCC OnLine SC 6.

examine them.

Article I

14. Article I concerns the letter dated 6th January, 2007 addressed to M/s Sai Flytech Aviation Pvt. Ltd. The charge is that, though competence to issue an NOC or any operational assurance for provision of Air Traffic Control services vested with AAI Corporate Headquarters, New Delhi, the Petitioner, acting at station level, issued a communication which effectively held out that ATC services and allied facilities would be made available at Raipur Airport for the proposed flying training activity. The statement of imputations adds two factual features which, according to AAI, aggravate the misconduct: first, that the letter was relied upon in the regulatory processing of the private entity's proposal before DGCA; and second, that no office copy or official dispatch trail was available in station records.

15. The inquiry finding on Article I is anchored primarily in documentary material. The letter dated 6th January, 2007 forms the fulcrum. The inquiry also proceeds on the institutional position that the power to issue an NOC or to commit AAI to provide ATC services did not vest in a station officer.

16. In disciplinary proceedings, which are governed by the standard of preponderance of probabilities and not proof beyond reasonable doubt, the existence of such communication on official letterhead, its issuance under the hand of the Petitioner, and its subsequent utilisation within a regulatory process, together constituted relevant material. On such material, a reasonable fact-finding authority could legitimately conclude that an unauthorised institutional assurance had been conveyed. As emphasized by the Supreme Court in ***S. Sree Rama Rao, B.C. Chaturvedi*** and ***P. Gunasekaran***, the Writ Court does not sit as a court of appeal over the

findings recorded in departmental proceedings, nor does it undertake a re-appreciation or re-weighing of the evidence. Interference is confined to well-recognised grounds, such as procedural illegality, violation of the principles of natural justice resulting in demonstrable prejudice, *mala fides*, or findings that are perverse, arbitrary, or based on '*no evidence*'. So long as there is some evidence which reasonably supports the conclusion reached by the disciplinary authority, the adequacy or sufficiency of that evidence lies beyond the scope of judicial review under Article 226 of the Constitution.

17. The Petitioner's central defence is interpretive: that the letter was not an NOC and expressly indicated that "*necessary permission or NOC*" for flying training and hangar/parking had to be obtained from AAI Corporate Headquarters. However, the relevant question is not whether the letter uses the expression "*NOC*" or whether the Petitioner subjectively intended an NOC. In the context of a proposal for aviation activity requiring regulatory scrutiny, the Petitioner issued a communication which, objectively read, carried institutional weight and conveyed more than neutral, routine information.

18. Even assuming the letter contains a caveat as contended, the enquiry and the disciplinary authority were entitled to examine the document as a whole, in its regulatory setting, rather than isolate a single line and treat it as dispositive. Where the institutional framework centralises competence at Headquarters, a station-level officer cannot, by combining (a) statements that operational services/facilities would be made available and (b) a concluding reference to Headquarters permission, convert an otherwise unauthorised assurance into a communication that has the potential of being legally binding. The safer and procedurally consistent course, if the

Petitioner genuinely lacked competence, was to confine the response to a clear statement that no station-level assurance could be issued and that the proponent must approach Corporate Headquarters for any permission or NOC, without any language capable of being deployed as an operational comfort letter.

19. The inquiry also treated the non-availability of office copy and dispatch record as a relevant surrounding circumstance. That aspect does not, by itself, prove misconduct. However, in a regulated environment where communications concerning operational services can have consequences beyond the station, absence of traceable record is a legitimate factor in assessing whether the act was in conformity with institutional discipline and whether the safeguards of accountable communication were observed. The Petitioner's explanation of staffing constraints and record-management deficiencies was considered, but it does not erase the basic position that the Petitioner accepts issuance of the communication and does not establish any authorised channel through which such a letter could have been issued.

20. A disciplinary finding does not become perverse merely because an alternative view on these attendant circumstances is possible. As explained by the Supreme Court in ***Kuldeep Singh v. Commissioner of Police & Ors.***[5], perversity is attracted only where the conclusion drawn is such that no reasonable person, acting on the material on record, could have arrived at it; or where relevant and vital evidence has been ignored; or where the finding rests on no evidence at all. Likewise, in ***State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya***[6], the Court reiterated that so long as the conclusion

[5] (1999) 2 SCC 10.
[6] (2011) 4 SCC 584.

reached by the disciplinary authority is a plausible one, supported by some material which a reasonable authority could accept, the writ court does not interfere merely because another view is possible or because it may itself have drawn a different inference.

21. Measured against the governing limits of judicial review, Article I does not invite interference. Issuance of the letter dated 6th January, 2007 is admitted by the Petitioner. The competence to issue an NOC or operational assurance vested with Corporate Headquarters, and no regulation, delegation or authorisation to the contrary has been shown by the Petitioner. The finding that the Petitioner exceeded authority is a plausible inference on the material produced in inquiry. It is neither perverse nor a "*no evidence*" finding.

Article II

22. Article II proceeds on a more serious plane than a dispute over phrasing. It alleges that the Petitioner, without authority, issued the communication dated 25th June, 2007 which, from an air traffic perspective, conveyed a "*no objection*" for a "*Flying School*", thereby creating an impression of institutional clearance beyond his competence.

23. The statement of imputation and the inquiry record place this communication squarely in a regulatory setting. The record reflects that the DGCA required an AAI "*no objection*" for shifting the base, and that Sai Flytech relied upon the Petitioner's letter dated 25th June, 2007 as meeting that prerequisite. The inquiry also had before it a CFSL opinion attributing the relevant writing to the Petitioner, and correspondence indicating that AAI Corporate Headquarters later informed the DGCA that no such NOC had been issued by the competent authority. These factors go to the core of

the charge.

24. The Petitioner seeks to situate the letter within an operational coordination context, emphasising that Bilaspur lacked ATC facilities at the relevant time and that local flying required coordination with Raipur ATC and Mumbai FIC. The further submission is that the contents did not match the internal and DGCA-facing checklist elements expected of an AAI ATS NOC, and therefore the document could not be treated as an "*NOC*" in law or in operations.

25. Such defence, even if accepted as the Petitioner's explanation of intent, does not invalidate what the inquiry was entitled to examine, i.e., the communication and its regulatory effect. A station officer may, in the course of routine functioning, convey factual information or suggest coordination modalities. The difficulty arises when the language employed crosses from conveying information to communicating assent in terms that a recipient can reasonably present to a regulator as a clearance. Where the text uses the formulation "*NO OBJECTION*" in the context of a "*Flying School*", the inquiry was justified in treating it as more than an internal note. In such matters, the legal character of the act is tested by what the communication conveys in its setting, and by the institutional competence required for such assent, not by the ex-post description offered once the document becomes the subject of proceedings.

26. The element of competence is decisive. The charge is not that the Petitioner coordinated local flying. The charge is that the Petitioner conveyed a "*no objection*" in a domain where, on the record, the power to issue such regulatory-facing assurances vested at the level of Corporate Headquarters. Once the inquiry found, on record, that the Petitioner was not

authorised to issue an AAI "*no objection*" of this nature, the further fact that the communication was used by the private entity as a regulatory input only reinforces the impropriety. The inquiry was therefore entitled to conclude that the act amounted to an unauthorised institutional commitment, and not a mere operational advisory.

27. The absence of office copies and dispatch records also cannot be brushed aside as an insignificant lapse. In regulated aviation administration, traceability of communications which can affect third-party permissions is integral to accountability. When a letter is later relied upon as a prerequisite for shifting a base and commencing training operations, the inability to produce an office copy or an official despatch record is a relevant circumstance in assessing the propriety of issuance. The Disciplinary Authority was entitled to treat this as aggravating, even if it was not, by itself, the sole foundation of guilt.

28. In judicial review, this Court, as discussed earlier, does not re-weigh the evidentiary value of the letter as though sitting in appeal. Interference is warranted where the finding rests on no evidence, ignores material that strikes at the root, or is so unreasonable that no prudent decision-maker could have arrived at it. The decisions of the Supreme Court in ***B.C. Chaturvedi, P. Gunasekaran*** and ***Nemi Chand Nalwaya*** repeatedly caution against re-appreciation of evidence in disciplinary matters and confine judicial review to the decision-making process and to perversity in the strict sense.

29. Thus, the finding on Article II is founded on material. The inquiry had the letter dated 25th June, 2007, its language, the context of its use before the DGCA, the CFSL opinion attributing authorship, and the position of AAI

Corporate Headquarters that no competent NOC had been issued. The Petitioner's attempt to re-characterise the letter as a coordination advisory does not render the findings perverse. Article II, therefore, does not warrant interference.

Natural justice

30. The procedural challenge is built around several planks: first, that none of the listed prosecution witnesses were examined; second, that the Inquiry Officer relied on written statements without affording an opportunity of cross-examination; and third, that two internal office noting were introduced though not part of the list of relied-upon documents.

31. A departmental inquiry is not a criminal trial and is not governed by the strict rigours of the Evidence Act.[7] The touchstone is fairness. Even so, where the employer relies on oral assertions, disputed statements, or testimonial material adverse to the employee, elementary fairness ordinarily requires an opportunity to test that material, including by cross-examination where the circumstances so warrant. In the present proceedings, the inquiry is not whether the procedure could have been better, but whether the departure, if any, has caused demonstrable prejudice and has thereby impaired the fairness of the process.[8]

32. The core of both Articles is documentary: issuance of the two letters and the Petitioner's competence to issue communications carrying their institutional import. The foundational documents are the letters themselves. Their existence is not in dispute. The authorship, on the record, is supported by the forensic opinion, which the Inquiry Officer and the Disciplinary

[7] ***State of Haryana & Anr. v. Rattan Singh*** (1977) 2 SCC 491.
[8] See also: ***State Bank of Patiala & Ors. v. S.K. Sharma*** (1996) 3 SCC 364.

Authority have noticed.

33. In these circumstances, the non-examination of listed witnesses does not, by itself, vitiate the inquiry. A delinquent employee cannot succeed merely by pointing to the absence of oral evidence, unless it is demonstrated that the finding rests substantially on untested oral assertions or determinative statements, and that the Petitioner was thereby denied a meaningful opportunity to rebut the case against him. As underscored by the Supreme Court in ***Union of India v. Alok Kumar***[9], a plea of breach of natural justice in service disciplinary matters is not established by the invocation of form or by pointing to a procedural lapse in the abstract. Natural justice is not an unruly horse, no lurking land mine, nor a judicial cure-all[10]; its application depends upon the facts of each case, and prejudice is the controlling consideration. Unless the alleged infraction has resulted in real prejudice affecting the fairness of the inquiry or the ultimate decision, interference is not warranted.

34. The Petitioner had full opportunity, after receiving the Inquiry Report, to meet the challenge by pointing to the relevant delegation, circulars, manuals, or contemporaneous practice, and to demonstrate that the station-level officer was competent to issue such communications or that the communications were, in truth, limited to routine factual information. The record does not disclose an instance where the Petitioner sought the summoning of a particular witness for cross-examination on a specific issue, and the Inquiry Officer refused such request without reasons. The grievance here is not of a denied request in the face of a clear insistence; it is, rather, a

[9] (2010) 5 SCC 349.
[10] 1977 AIR 965.

critique of the evidentiary route adopted.

35. As regards the two internal office noting, the rule is equally clear. A disciplinary inquiry may look at internal records, but if a document is introduced to the prejudice of the delinquent employee, fairness demands that it be disclosed and an opportunity be given to explain or rebut it. On the material before this Court, the two internal noting are not shown to have supplied the sole foundation of guilt. The findings are traceable primarily to the two communications, their language, their regulatory deployment, and the Petitioner's lack of demonstrated competence to issue them. In any event, the Petitioner had the Inquiry Report, filed a detailed representation, and had the opportunity to address all material relied upon by the authorities. No specific prejudice, in the sense of a concrete defence foreclosed by the introduction of the two office noting, has been established.

36. In these circumstances, the procedural objections do not cross the threshold required to invalidate the inquiry.

Penalty

37. The Disciplinary Authority has imposed compulsory retirement with retiral benefits, after accepting the Inquiry Officer's findings on both Articles and after considering the Petitioner's post-inquiry representation. The law on the scope of interference with punishment is settled. The choice of penalty lies primarily within the disciplinary domain. A Writ Court does not re-calibrate punishment as an appellate authority. Interference is warranted only where the penalty is vitiated by illegality in the decision-making process, or where it is so disproportionate to the misconduct proved

that it shocks the conscience of the Court.[11]

38. Measured against that standard, the penalty imposed here does not invite correction. The proved misconduct is not a routine lapse in office procedure. It concerns issuance of communications, in a regulated aviation setting, which carried institutional assurance and were capable of being deployed by a private entity to secure regulatory advantage. The misconduct stands compounded by the ancillary irregularity found on record, namely absence of corresponding office copies and official dispatch records, which undermines traceability and accountability in a safety-critical regulatory framework. An employee who acts beyond authority, particularly in matters that engage institutional trust and regulatory interface, commits serious misconduct, even if the employee asserts *bona fides* and even if demonstrable loss is not proved as a pre-condition.[12]

39. The Petitioner held a position in Air Traffic Management. The discipline expected in such functions is exacting because regulatory communications are not mere correspondence. They speak for the institution. Once the disciplinary authorities have found that the Petitioner was not competent to issue communications of that character, imposition of penalty of compulsory retirement with retiral benefits cannot be characterised as an outrageously disproportionate. The Court, therefore, declines to interfere with the penalty.

Conclusion

40. No jurisdictional infirmity is shown in the appellate decision-making.

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[11] ***B.C. Chaturvedi v. Union of India*** (1995) 6 SCC 749; ***Om Kumar v. Union of India*** (2001) 2 SCC 386; ***Union of India v. P. Gunasekaran*** (2015) 2 SCC 610.

[12] See also: ***Disciplinary Authority cum Regional Manager & Ors. v. Nikunja Bihari Patnaik*** (1996) 9 SCC 69; ***Chairman & Managing Director, United Commercial Bank & Ors. v. P.C. Kakkar*** (2003) 4

Taken together, the findings on Article I and Article II do not suffer from perversity or absence of evidence. The inquiry process does not disclose a breach of natural justice causing prejudice. The penalty also falls within permissible bounds. The writ petition, therefore, fails.

41. The present petition is accordingly dismissed, along with any pending application(s).

SANJEEV NARULA, J

JANUARY 23, 2026
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