



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**Reserved on: 16<sup>th</sup> March, 2026.**  
**Pronounced on: 29<sup>th</sup> April, 2026.**  
**Uploaded on: 29<sup>th</sup> April, 2026.**

+ W.P.(C) 14348/2023

RAJESH CHOUDHARY

...Petitioner

Through: Ms. Prity Sharma and Mr.  
 Ashwini Kaushik, Advocate  
 with Petitioner in person.

versus

UNION OF INDIA & ORS.

...Respondents

Through: Mr. Balendu Shekhar, CGSC  
 with Mr. Krishna Chaitanya,  
 Mr. Rajkumar Maurya and Mr.  
 Divyansh Singh Dev,  
 Advocates for R-1.  
 Mr. Prabhas Bajaj, Mr. Rishabh  
 Yadav and Mr. Harsh Chauhan,  
 Advocates for R-2, 3.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**JUDGMENT**

**SANJEEV NARULA, J.:**

1. This writ petition concerns the removal from service of an officer of the Central Warehousing Corporation.<sup>1</sup> The controversy is not whether every lapse in service must invite judicial correction. It is whether, on the record of this case, a penalty as severe as removal could lawfully be founded on findings

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<sup>1</sup> "CWC"



that do not travel with equal assurance across the inquiry report, the disciplinary order, and the appellate decision. That question arises here because the gravest part of the case against the Petitioner is the allegation of corruption, while the record, read as a whole, also discloses lesser allegations of operational and disciplinary lapse. The Court must therefore examine whether the impugned orders rest on a reliable evidentiary foundation and, if not, what consequence should follow.

***Facts***

2. The Petitioner was appointed in CWC as a trainee in the year 2014. On completion of training on 7<sup>th</sup> July, 2015, he was placed as Senior Assistant Manager (General). He served at different stations, including Jaipur, and was posted as Warehouse Manager at CW Hanumangarh-II from 13<sup>th</sup> February, 2019 till 13<sup>th</sup> October, 2020. Thereafter, he came to be posted at the Regional Office, Hyderabad.

3. The disciplinary proceedings arose out of a memorandum dated 22<sup>nd</sup> December, 2020 issued under Regulations 59 and 61 of the Central Warehousing Corporation (Staff) Regulations, 1986. Three articles of charge were framed. Article I alleged that, while functioning as Warehouse Manager at Hanumangarh-II, the Petitioner had permitted a casual labourer engaged for technical work in godowns to operate the weighbridge instead of work being carried out by the officials to whom those duties had been assigned. Article II alleged, first, that he was found sleeping during working hours and, secondly, that on 11<sup>th</sup> September, 2020 he visited his native place without permission though he had marked attendance for the day. Article III alleged receipt of illegal gratification from parties lifting stock, use of influence over truck unions to reduce transport rates and share the margin, receipt of INR 75,000/-



in his bank account from one Kanhiya Lal, and failure to explain credits totalling INR 1,13,610/-.

4. The Petitioner denied the charges by his written statement dated 15<sup>th</sup> January, 2021 and sought an opportunity to defend himself. An inquiry officer was appointed on 9<sup>th</sup> February, 2021. The preliminary hearing took place on 4<sup>th</sup> March, 2021 at Jaipur. The Petitioner denied all three charges and elected to contest them. The prosecution documents were thereafter marked as exhibits. the Petitioner was permitted to engage a defence assistant, and the inquiry proceeded through a series of sittings. Seven prosecution witnesses and two defence witnesses were examined. The record of proceedings shows that the inquiry closed on 17<sup>th</sup> July, 2021, with liberty to the presenting officer to file a prosecution brief and to the Petitioner to file his defence brief.

5. By memorandum dated 27<sup>th</sup> June, 2022, a copy of the inquiry report was forwarded to the Petitioner. The report held Article I proved, Article II proved, and Article III partly proved. The Petitioner responded by a representation dated 16<sup>th</sup> July, 2022 disputing the findings and asserting, among other things, that the inquiry officer had not fairly evaluated the defence material or the witness statements. Thereafter, the disciplinary authority passed the order dated 29<sup>th</sup> November, 2022, communicated on 30<sup>th</sup> November, 2022, imposing the penalty of removal from service, though without disqualification for future employment under the Corporation.

6. The Petitioner carried an appeal on 10<sup>th</sup> December, 2022 under Regulation 68. That appeal did not move with the promptness the Regulation appears to contemplate. In the meantime, the Petitioner approached this Court earlier by way of *W.P.(C) 4711/2023*, essentially on the ground that the appellate process had become compromised because the Managing Director,



who had acted as disciplinary authority, was also functioning as ex officio Chairman in the absence of a regular Chairman. On 13<sup>th</sup> April, 2023, this Court directed that any decision on the appeal would remain subject to further orders. On 19<sup>th</sup> July, 2023, the petition was disposed of as withdrawn after a statement was made on behalf of the Respondents that a regular Chairman had been appointed and that the Managing Director would recuse himself while the appeal was taken up by the Executive Committee. The Court also observed that Rule 68 should be kept in view while considering the appeal.

7. The appeal was thereafter taken up in the 232<sup>nd</sup> meeting of the Executive Committee held on 31<sup>st</sup> August, 2023. The Managing Director recused himself. By memorandum dated 18<sup>th</sup> September, 2023, the Petitioner was informed that the appeal had been rejected. The extract of the minutes records that the Executive Committee found the charges proved against the Petitioner to be serious in nature, observed that acceptance of gratification from the representative of the trader had been established by inquiry, and concluded that the penalty of removal was justified having regard to the gravity of the misconduct. It also observed that the points raised in appeal had already been considered by the disciplinary authority and that the Petitioner had not raised any new and significant point that could alter the complexion of the case. That rejection of the appeal has led to the present writ petition.

***Petitioner's submissions***

8. The submissions advanced by Ms. Prity Sharma, counsel for the Petitioner, are summarised as follows:

8.1. The case of the Respondents is marked by exaggeration. The three articles of charge did not stand on the same footing and ought not to have been treated as carrying equal disciplinary weight. The grievance is that what was,



at best, a combination of an operational lapse, disputed conduct, and a seriously contested allegation of corruption has been collectively treated as grave misconduct warranting removal from service.

8.2. The inquiry was unfair in substance. The inquiry officer did not adequately engage with the defence version, the defence documents, or the portions of the evidence favourable to the Petitioner. Although the defence brief was detailed and article-specific, the inquiry report returned conclusions of “proved” or “partly proved” without properly addressing the counter-material placed on record.

8.3. As regards Article I, the allegation has been overstated. The Petitioner does not dispute that the casual labourer, Virender, was present at the weighbridge, but contends that such deployment occurred in the course of operations when regular staff were engaged elsewhere. Reliance is placed on the testimony of PW-6 and PW-7 to submit that this arrangement arose out of operational exigencies. At the highest, the material may indicate an issue of supervision or deployment, but not misconduct involving any element of dishonesty or lack of integrity.

8.4. Moreover, the inquiry officer failed to consider the context in which Article I arose. The warehouse was functioning under operational constraints, including limited staff availability, and the impugned conduct must be seen in that light. The grievance is that Article I was examined in isolation, without considering whether the material disclosed anything beyond a lapse in management.

8.5. Turning to Article II, it is submitted that the charge was not established as alleged. On the “sleeping” limb, the contention is that the record does not conclusively establish sleeping during duty hours. The Petitioner’s case is that



he was lying down intermittently due to severe back pain, a condition reflected in medical records and supported by witness testimony. The inquiry report failed to maintain the distinction between “lying down” and “sleeping”, and overstated the evidence.

8.6. As to the second limb concerning 11<sup>th</sup> September, 2020, it is submitted that the matter has been presented one-sidedly. The Petitioner contends that he attended office on that date; that his presence was supported by witness testimony; and that he had applied for station leave on 8<sup>th</sup> September, 2020 for the period 11<sup>th</sup> to 14<sup>th</sup> September, 2020. The subsequent reflection of approval in the system could not negate the prior application. The Petitioner further states that he left due to an emergent personal situation during the pandemic and that no operational prejudice was caused. The grievance is that the inquiry officer placed undue emphasis on the ATM withdrawal at his native place while disregarding the surrounding circumstances.

8.7. The principal challenge is directed against Article III. It is submitted that there was no complainant alleging demand or payment of a bribe. The WhatsApp chats and audio material were not duly proved, and did not support the conclusions drawn. Article III merely rests on suspicion and inference rather than a clear evidentiary foundation.

8.8. Considerable emphasis is placed on the internal inconsistency of the inquiry report. While describing the transfer of INR 75,000/- as indicative of bribery, the report elsewhere records that there was no material evidence supporting sharing of margin or illegal gratification, and that no vigilance angle was observed. Despite this, Article III was held to be “partly proved”. This inconsistency goes to the root of the matter and undermines the finding of corruption.



8.9. The explanation regarding the INR 75,000/- transfer was not fairly considered. The amount was linked to labour and allied payments during the pandemic. DW-1 acknowledged the transfer and its stated purpose, but the explanation was rejected for want of independent corroboration. Such rejection may justify doubt, but not a conclusion of bribery. As regards the sum of INR 1,13,610/-, it is noted that the inquiry report itself did not find the charge proved.

8.10. On this basis, it is contended that both the disciplinary authority and the appellate authority proceeded beyond the findings of the inquiry report. The disciplinary authority treated the charges as serious and proceeded on the footing that acceptance of gratification stood established. The appellate authority merely echoed this reasoning and rejected the appeal on the ground that no new point had been raised. This reflects absence of independent appellate scrutiny.

8.11. The appellate proceedings are also assailed on procedural grounds. It is submitted that the appeal dated 10<sup>th</sup> December, 2022 was not forwarded within the time contemplated under Regulation 68(ii), and that the Petitioner had to approach this Court in *W.P.(C) 4711/2023* in view of the composition of the Executive Committee at the relevant time. Though the Managing Director subsequently recused himself, the delay remained unexplained and the appellate decision remained mechanical.

8.12. The Petitioner also relies on surrounding circumstances. Reference is made to the APAR episode to suggest that the relationship between the Petitioner and the higher authorities had become strained. While not treated as determinative, it is relied upon as background to support the allegation of



adverse treatment. It is also pointed out that the Petitioner was due for promotion when the disciplinary proceedings were initiated.

8.13. On the question of relief, it is submitted that, even if the entire defence is not accepted, the case does not warrant removal from service. Article III is unsustainable, the “sleeping” component of Article II is overstated, and Article I, at most, reflects an operational lapse. It is therefore contended that the penalty is grossly disproportionate and the impugned orders are liable to be set aside, with consequential reinstatement.

***Respondent’s submissions***

9. On the other hand, Mr Prabhas Bajaj, counsel for the Respondents, submits that the petition, in substance, seeks a reappraisal of the departmental record and that this Court should decline such an indulgence. His submissions, in essence, are as follows:

9.1. The legal position is well settled. Judicial review is confined to examining the legality of the process and does not extend to substituting the Court’s own appraisal of the evidence for that of the disciplinary authority. So long as there is some material supporting the findings, interference is unwarranted. They further submit that the penalty can be disturbed only where the conclusion is perverse or the punishment is outrageously disproportionate.

9.2. On facts, it is submitted that there is no procedural irregularity. The Petitioner was served with a charge-sheet, an inquiry officer was appointed, the charges were contested, witnesses were examined, and a representation against the inquiry report was considered. The disciplinary authority thereafter passed the order of removal. The appeal was placed before the Executive Committee, with the Managing Director recusing himself. Each stage of the



process was conducted in accordance with law and the Petitioner was afforded full opportunity to defend himself.

9.3. As regards Article I, the issue is one of improper deployment rather than staff shortage. Virender, a casual labourer engaged through the contractor, was not authorised to operate the weighbridge. Hence, as per the record established that he was, in fact, performing such duties. As Warehouse Manager, the Petitioner cannot avoid responsibility by referring to staff shortage or any alleged prevailing practice.

9.4. On Article II, it is submitted that both limbs stand proved. On the basis of CCTV material, the Petitioner was found sleeping, or at least lying on a cot, during working hours on multiple dates and at different time intervals. On 11<sup>th</sup> September, 2020, he marked attendance, left the office, and withdrew money at his native place, indicating that he had left the station without permission. The reliance on subsequent approval of station leave is an afterthought and does not displace the admitted position that, after marking attendance, the Petitioner was no longer at his place of posting.

9.5. As regards Article III, it is submitted that the charge of bribery stood established to the extent accepted by the disciplinary authority. The credit of INR 75,000/- from Kana Ram alias Kanhiya Lal is not disputed. The Petitioner's explanation that the amount was meant for labour payments was unsupported by material. Petitioner had official dealings with the said person or connected entities. Therefore, the finding on this limb cannot be displaced merely because another part of Article III, relating to INR 1,13,610/-, was not proved. The part found proved is itself sufficiently grave to warrant the impugned punishment.



9.6. The order of the Executive Committee cannot be faulted merely for its brevity. An appellate authority in a disciplinary matter is not required to furnish elaborate reasons akin to a judicial decision. It is sufficient if the record indicates that the material and the grounds urged in appeal were considered. The Executive Committee, having examined the record and concurred with the disciplinary authority, was justified in rejecting the appeal.

9.7. The present case does not warrant interference on the ground of proportionality. The charges, as found proved, are serious in nature, including corruption and indiscipline. Once both the disciplinary and appellate authorities have accepted the gravity of the misconduct, this Court ought not to interfere merely because another view is possible.

9.8. The earlier writ petition concerning the appellate process was disposed of after the Corporation stated that a regular Chairman had been appointed and that the Managing Director would recuse himself. That course was duly followed. The Executive Committee thereafter considered the appeal in its meeting held on 31<sup>st</sup> August, 2023, and the Managing Director did not participate.

9.9. Several of the Petitioner's challenges are afterthoughts. No plea of bias was raised against the inquiry officer at the relevant stage. The Petitioner participated in the inquiry, examined defence witnesses, and submitted a defence brief and representation. Reliance on APAR issues and promotion has no bearing on the legality of the disciplinary proceedings.

### ***Analysis and reasons***

10. At the outset, it is necessary to recall the settled limits of judicial review in disciplinary matters. The primary responsibility for fact-finding lies with the disciplinary authority and, in appeal, with the appellate authority, which



assess the material on record and determine both misconduct and penalty. The writ court does not sit in appeal and does not reappreciate or reweigh the evidence merely because another view is possible. Interference is warranted where findings are unsupported by evidence, where relevant material has been ignored or irrelevant considerations have been taken into account, or where the conclusion is one that no reasonable authority could have reached.<sup>2</sup>

11. The Petitioner's challenge, however, does not invite the Court to reappreciate the evidence. His case is narrower. His contention is that the inquiry report, the disciplinary order, and the appellate decision do not proceed on a consistent or coherent basis in relation to the most serious charge which concerns the allegation of illegal gratification. Where the gravest component of the case is treated differently at successive stages, the Court is entitled to examine whether the ultimate conclusion can be sustained.

12. It is equally settled that the choice of penalty ordinarily lies within the disciplinary domain. The Court does not substitute its own view on punishment and, even where interference is warranted, the usual course is to leave the question of penalty to the competent authority. The Court may, in an exceptional case, mould the relief more directly, but that remains the exception and not the rule.<sup>3</sup>

13. It must also be borne in mind that when an extreme penalty has been awarded on the basis of grave delinquency, the legitimacy of such punishment hinges upon the reliability of the more serious finding of misconduct. If the grave charge forming the basis for the penalty cannot withstand scrutiny, the

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<sup>2</sup> *Union of India & Ors. v. P. Gunasekaran* (2015) 2 SCC 610; *Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava* (2021) 2 SCC 612.

<sup>3</sup> *Jai Bhagwan v. Commissioner of Police* (2013) 11 SCC 187; *Dev Singh v. Punjab Tourism Development Corpn. Ltd.* (2003) 8 SCC 9; *B.C. Chaturvedi v. UOI & Ors.* (1995) 6 SCC 749.



Court is not bound to uphold the same punishment solely because a less severe lapse may still be present. In such circumstances, it is imperative that the penalty be evaluated against those findings that endure the test of legal and evidentiary scrutiny. Where, the punishment is found to lack justification, the Court possesses the authority to set aside the penalty and to mould the relief in a manner that aligns with the sustainable findings.

**Article III: Allegations of Illegal Gratification and Unexplained Credits**

14. Article III is the charge that gives this case its alleged gravity. It alleges that, while posted as Warehouse Manager at CW Hanumangarh-II, the Petitioner was receiving illegal gratification from parties lifting stock, was using his influence over truck unions to secure reduced freight rates and share the leftover margins, had received INR 75,000/- in his bank account from Shri Kanhaiya Lal, representative of traders lifting stock from the warehouse, and had also failed to explain further credits of INR 1,13,610/-.

15. The inquiry officer did not hold all these elements proved. On the contrary, the report itself draws a distinction between them. It notes the credit of INR 75,000/- from Kana Ram alias Kanhaiya Lal and records that the Petitioner had not placed material to show that the amount was paid onward to labourers. On that basis, the report describes the matter as “a clear case of bribery”. Yet, while dealing with the same article, the inquiry officer also records that the allegation concerning INR 1,13,610/- is not proved, that there is no material evidence in support of sharing of margin and illegal gratification, and that no vigilance angle is observed. The final conclusion, therefore, is not that Article III stood wholly proved, but that it stood only partly proved. Relevant portion of the Inquiry Report reads as follows:



**“Article of Charge–III:** *It has been alleged that Shri Rajesh Chaudhary, CO/SAM (G), while working as Warehouse Manager, CW Hanumangarh-II, was receiving illegal gratification from the parties lifting stock from CW Hanumangarh-II, making use of his influence on third parties, i.e., truck unions, to get their freight rates reduced and sharing the leftover margins with the party. He has also received an amount of Rs. 75,000/- in his bank account from Shri Kanhaiya Lal, representative of traders lifting stock at CW Hanumangarh-II.*

*It is observed from PD-3 (Page No. 3) that Shri Kana Ram has remitted a total amount of Rs. 75,000/- to the CO through net banking. Shri Kana Ram (Kanhaiya) has admitted the fact that he had paid the above amount for payment of labour. CO has not placed on record to prove that the amount was paid to the labour. No correspondence or material evidence was produced in support of their contention that the above amount was meant for payment of wages. Thus, it is a clear case of bribery. Hence, the charge is proved.*

*It has been further alleged that Shri Rajesh Chaudhary, CO/SAM (G), also failed to provide details in respect of unknown credit for an amount of Rs. 1,13,610/-. The details of the above amount are given in the Statement of Imputations. CO has submitted DD-7 in his defence. After going through the material evidence provided by the prosecution and the defence, it is concluded that the payments under reference were released by RO, Jaipur. Hence, this part of the charge is not proved. I don't find any material evidence in support of sharing the margin and illegal gratification. No vigilance angle is observed. As far as mingling with truck drivers and labourers is concerned, no vigilance angle was found.”*

16. The disciplinary authority, while considering the inquiry report, proceeded on the footing that the charge of acceptance of gratification stood established, treated the misconduct as serious in nature, and on that basis imposed the penalty of removal from service. The relevant portion of the disciplinary order reads as follows:

*“6. I have gone through the facts of the case, relevant records as well as submissions made by Shri Rajesh Chaudhary, Senior Assistant Manager (General), in his representation over the Article of Charges, and my observations are as under:–*

*a. Shri Virender, H&T casual labour engaged at CW, Hanumangarh-II, was attending the LWB for weighing of stocks. The same has been accepted by Shri Rajesh Chaudhary in his representation.*



*b. The CCTV images are direct evidence and testimony to the fact that Shri Rajesh Chaudhary had very friendly and informal relations with Shri Virender and the former had no hesitation in violating his own orders of duty allocation of staff and the sensitive work of weighingment was allowed to be attended by casual labourer as per whims and fancies, for obvious reasons.*

*c. By using the services of Shri Virender, H&T casual labourer at the LWB, the Corporation was not only exposed to risk, but reimbursement was also made by the Corporation to the H&T contractor in respect of work which was not actually performed by the said casual labour.*

*d. As per CCTV footage, Shri Rajesh Chaudhary was seen lying on a wooden cot in the LWB cabin at CW, Hanumangarh-II.*

*e. Shri Rajesh Chaudhary attended the office and marked his presence on 11.09.2020 and had left the office early without obtaining permission of the Competent Authority. An amount of Rs. 60,000/- was withdrawn by Shri Rajesh Chaudhary at Kuchaman City, proving that he had left the office early without permission of his Controlling Authority.*

***f. Shri Kana Ram/Kanhaiya Lal has rendered a total amount of Rs. 75,000/- in the bank account of Shri Rajesh Chaudhary on 29.04.2020. However, Shri Rajesh Chaudhary had made the first withdrawal from his said bank account on 26.06.2020, clearly establishing that the money was meant for him only and was not meant for any friend or labourers, as claimed by him in his representation.***

***g. Shri Rajesh Chaudhary has failed to produce any document in support of his claim that the amount was paid to the labour. No correspondence or material evidence was produced in support of his contention that the amount was meant for payment of wages.***

*h. There is nothing on record as to whether Shri Virender had worked earlier or later (i.e., other than April, 2020) at Tara Devi godowns. Therefore, posing him as a representative of a trader for lifting the stocks is an afterthought on the part of Shri Rajesh Chaudhary to mislead the Disciplinary Authority.*

***7. Keeping in view the above facts, circumstances of the case, findings of the inquiry and "evidence on records", it is observed that the charges levelled and proved against Shri Rajesh Chaudhary are quite serious in nature. The acceptance of gratification other than charges due to CWC for warehouse services from the representatives of traders has also been established by the inquiry. I find good and sufficient reasons exist to impose a penalty of removal from service, which shall not be a disqualification for future employment under the Corporation, on Shri***



*Rajesh Chaudhary, Senior Assistant Manager (General), and order accordingly.”*

17. The Petitioner carried the matter in appeal. The appellate authority (Executive Committee), while considering the appeal, affirmed the view that acceptance of gratification stood established, characterised the charges as serious, and upheld the penalty of removal. The appellate order reads as follows:

**“APPEAL PETITION FILED BY SHRI RAJESH CHAUDHARY, EX-SAM (G), AGAINST THE ORDER DATED 29.11.2022 OF THE DISCIPLINARY AUTHORITY IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST HIM FOR MAJOR PENALTY.**

*The Managing Director recused himself during the discussion on the subject agenda as he was the Disciplinary Authority in this matter. The Executive Committee, while taking note of the subject agenda, observed as under:*

*Sh. Rajesh Chaudhary, Ex-SAM (G), Regional Office, Hyderabad, was issued a charge sheet for major penalty proceedings vide Memorandum No. CWC/XIII-18/38/2020/AV/987 dated 02.12.2020 for certain misconduct.*

*The Managing Director/Disciplinary Authority (DA), after considering the facts brought on record and submissions made by Sh. Rajesh Chaudhary, Ex-SAM (Gen.), in his representation, imposed a penalty of removal from service, which shall not be a disqualification for future employment under the Corporation, upon Shri Rajesh Chaudhary, Ex-SAM (G), on 29.11.2022, and the same was communicated vide Memorandum No. CWC/XIII-18/38/2020/AV dated 30.11.2022.*

*Aggrieved with the penalty imposed by the Disciplinary Authority, Sh. Rajesh Chaudhary preferred an appeal dated 10.12.2022, which is placed before the Executive Committee for consideration.*

***The Executive Committee, while considering the appeal, found that the charges levelled and proved against the appellant are quite serious in nature. The acceptance of gratification, other than charges due to CWC for warehousing services, from the representative of the trader has been established by the inquiry. Thus, the Disciplinary Authority found sufficient reasons to impose the penalty of removal from service, which shall not be a disqualification for future employment under the***



*Corporation, on the appellant, which the Executive Committee found to be in order, keeping in view the gravity of the misconduct.*

*In view of the above, the Executive Committee considered the appeal of Shri Rajesh Chaudhary, Ex-SAM (G), and observed that the points raised by the Charged Official in his appeal dated 10.12.2022 had already been taken into consideration by the Disciplinary Authority at the time of imposing the penalty. He has not brought out any new and significant point in his appeal that could alter the completion of the case.*

*After due deliberations, the EC rejected the appeal of Shri Rajesh Chaudhary, Ex-SAM (G), and authorized HoD (Pers.) to communicate the order passed by the EC on its behalf.”*

18. At this stage, the legal standard must be kept clear. A departmental inquiry is not a criminal trial. The charge need not be proved beyond reasonable doubt. The applicable standard is one of preponderance of probabilities. However, that does not dispense with the requirement that findings be based on evidence and not on *ipse dixit*, surmises, or conjectures. Even in a domestic inquiry, the conclusion must rest on material which reasonably supports it, and mere suspicion cannot be allowed to take the place of proof.<sup>4</sup>

19. The article, as framed, is not a bare charge of unexplained receipt of money. It is a charge of illegal gratification linked to specific acts of misconduct. It alleges influence over truck unions, reduction of freight rates, and sharing of margins with parties lifting stock. The inquiry report, however, does not identify any evidence as to who demanded a bribe, from whom such demand was made, what freight rate was reduced, what margin was shared, what favour was extended in return, or how the transfer of INR 75,000/- was connected to any proved act of official favour or reward. On its own terms, the report records that there is no material evidence of sharing of margin or

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<sup>4</sup> *UOI v. H.C. Goel* AIR 1964 SC 364; *Maharana Pratap Singh v. The State of Bihar & Ors.* 2025 INSC 554.



illegal gratification. Once that is so, the path from the proved fact of transfer to the conclusion of bribery remains unexplained.

20. What, then, is the proved component on which the finding of bribery is made to rest. It is this alone: Kana Ram alias Kanhaiya Lal admitted that a sum of INR 75,000/- was transferred into the Petitioner's account for payment of labour; and that the Petitioner did not place material showing that the amount was thereafter paid to labourers. That may justify doubt about the defence version and warrant closer scrutiny. However, the inquiry report proceeds from that limited position to the conclusion that the transfer is a "clear case of bribery". That leap is not a matter of appreciation of evidence in the ordinary or prudent sense. It is a matter of legal sufficiency of reasoning. Even on preponderance of probabilities, an unexplained or insufficiently explained transfer does partake the colour of bribe unless there is some rational evidentiary link between the receipt and the unlawful favour alleged in the charge. The report does not identify that link.

21. There is a further difficulty. The report nowhere states that the audio clips, the WhatsApp material, the delivery orders, or the witness depositions independently establish demand, acceptance, *quid pro quo*, or any manipulation of freight rates. On the contrary, even after referring to such material, the inquiry officer records that there is no material evidence of sharing of margin or illegal gratification, and that no vigilance angle is observed. It is therefore not possible to sustain the finding of corruption on the basis of any independent evidentiary strand. On the report's own reasoning, the broader elements of Article III remain unproved. What remains is the transfer of money. That, by itself, is too slender a foundation to sustain a finding that the charge of bribery stood proved.



22. The disciplinary authority then compounds the difficulty. It does not engage with the limited and qualified nature of the inquiry officer's conclusion. Instead, it proceeds on the footing that the acceptance of gratification stood established. Its additional reasoning is that the Petitioner first withdrew from the account only on 26<sup>th</sup> June, 2020, and that this showed the money was meant for him and not for labourers. That may be a circumstance which the authority was entitled to notice. But even that circumstance, taken at its highest, does not answer the real question. It still does not show what official favour was done, what illegal consideration was paid for it, or how the article as framed stood established as a charge of bribery. It again moves from suspicion to conclusion without identifying the legal and factual bridge between the two.

23. The Executive Committee in appeal adopted the same premise. It did not examine whether the inquiry report itself had left the corruption component on uncertain ground. It simply stated that acceptance of gratification from the representative of the trader had been established by inquiry and, on that footing, treated the penalty of removal as justified. That is not merely brevity. It is concurrence with a conclusion whose foundational reasoning had already become unstable.

24. The Court is conscious that the disciplinary authority is not bound by the inquiry officer and may, in a proper case, disagree with the findings. If Article III was to be treated not as a qualified and partly proved charge, but as a clear and concluded corruption charge, that shift had to be openly reasoned. The law does not permit a silent hardening of a qualified finding into a graver one. Here, neither the disciplinary authority nor the appellate authority confronted the internal limitations of the inquiry report. Both proceeded as



though the corruption finding stood fully established from the outset. That is not a stable basis on which a penalty of removal can be sustained.

## Article II

25. Article II comprises two distinct limbs. The first relates to the allegation that the Petitioner was found sleeping during working hours. The second concerns the allegation that, on 11<sup>th</sup> September, 2020, he visited his native place without permission after marking attendance.

26. As regards the first limb, the charge-sheet alleges that the Petitioner was “found sleeping during working hours.” The inquiry report, however, adopts a less consistent description of the conduct. In the tabulated portions of the report, one finds the conduct is described in a variety of ways: “lying on the bed”, “lying on the cot”, “sleeping on the cot”, “slept on the cot”, and “stayed in LWB”. The relevant tabulation is reproduced below:

### *“Article of Charge II:-*

*CCTV footages (of transaction days only i.e 10<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> & 18<sup>th</sup> and 21<sup>st</sup> of September, 2020) shows that Sh. Rajesh Chaudhary was found sleeping in LWB Cabin while on duty, for which relevant details of CCTV footage arc as under;*

<i>Date</i>	<i>Time</i>	<i>Remarks</i>
<i>10.09.2020</i>	<i>13:07 to 13:55</i>	<i>Sh. Rajesh Choudhary sleeping</i>
	<i>15:36 to 16:55</i>	<i>Sh. Rajesh Choudhary lying on bed and sleeping until 16:21 and then stayed in LWB talking</i>
	<i>17:00 to 17:55</i>	<i>Lying and then slept in cot available in LWB</i>
<i>15.09.2020</i>	<i>14:48 to 15:29</i>	<i>Sleeping in the cot available in LWB</i>
	<i>15:30 to 16:01</i>	<i>Stayed in LWB</i>



<i>Date</i>	<i>Time</i>	<i>Remarks</i>
	12:32 to 13:43	<i>Lying on the cot and then sleeping</i>
	15:40 to 16:59	<i>Lying on the cot</i>
	17:48 to 16:03	<i>Lying on the cot</i>
17.09.2020	12:11 to 12:32	<i>Sleeping on the cot</i>
	16:07 to 16:18	<i>Sleeping on the cot</i>
	16:27 to 16:57	<i>Lying on the cot and then slept</i>
21.09.2020	11:43 to 13:24	<i>Lying on the bed and then slept on the cot</i>
	13:56 to 14:38	<i>Sleeping on the cot”</i>

In the findings portion, the report does not say that the witnesses uniformly and directly proved that the Petitioner was sleeping. It says, more generally, that from the CCTV footage and depositions of PW-1 and PW-2, the Petitioner was found lying on a wooden cot in the LWB cabin “off and on”, and then concludes that the charge is proved.

27. “Lying on a cot” and “sleeping on duty” are not the same thing, and the distinction becomes especially important because the Petitioner’s case throughout has been that he was suffering from back pain and would intermittently lie down to ease the discomfort. The defence material also refers to medical prescriptions. Further, as noted in the Petitioner’s representation, the witness material is not uniform in establishing sleep in the manner alleged. The inquiry report, however, does not adequately engage with this distinction and proceeds from a mixed description of conduct to a firm conclusion of



proved misconduct.

28. The second limb of Article II stands on a different footing. The record indicates that the Petitioner marked attendance on 11<sup>th</sup> September, 2020 and thereafter travelled to his native place, with the inquiry report relying on an ATM withdrawal at Kuchaman City to infer that he left without permission. The Petitioner, however, contends that he had applied for station leave on 8<sup>th</sup> September, 2020 for the period 11<sup>th</sup> to 14<sup>th</sup> September, 2020, with approval reflected subsequently in the system, and that he attended office before leaving due to an emergent situation during the pandemic. These circumstances do not clearly establish that prior sanction to leave headquarters had been obtained, and the subsequent reflection of approval does not, by itself, cure the absence of contemporaneous permission, if any.

29. The Court is, therefore, not persuaded to discard the second limb of Article II in its entirety. A limited lapse in leaving the station without proper contemporaneous permission may still be made out. However, such a lapse cannot be equated with grave misconduct of the kind attributed to corruption, nor can it sustain a penalty of removal once the more serious finding is found to be unsustainable.

### **Article I**

30. Article I concerns the use of Virender, a casual labourer, at the weighbridge. In examining this charge, it is necessary to distinguish between the fact alleged and the consequence sought to be drawn. The fact that Virender attended the LWB at different points is not seriously disputed by the Petitioner. The inquiry report treats this as sufficient to establish the charge. To that extent, the factual component of the allegation is supported by some material.



31. However, the matter does not end there. The Petitioner's case has consistently been that the warehouse was operating under significant staff shortage, that the technical staff were aware of Virender's presence at the LWB in exigent situations, and that supervisory oversight was maintained. In his representation against the inquiry report, the Petitioner relied, *inter alia*, on the statement of PW-6, to the effect that when transactions or warehousing operations were ongoing, either the Petitioner or Virender attended the ELWB, and on the statement of PW-7 to suggest that supervisory staff were present when Virender operated the weighbridge. While this explanation does not negate the lapse, it bears upon the character and gravity of the misconduct.

32. The inquiry report does not adequately engage with this contextual explanation. It proceeds on the basis that the use of Virender at the LWB, though he was engaged as casual labour for supporting technical operations in the godown, was irregular and exposed the Corporation to risk. This may justify a finding of irregular deployment or deficient supervision. However, on the material available, it does not warrant treating Article I as misconduct of the same gravity as corruption or moral delinquency.

***The appellate decision***

33. There is one more feature of the case that cannot be ignored. The appellate decision was also expected to reflect due consideration of the grounds raised. The Executive Committee, however, confined itself to observing that the charges were serious in nature, that acceptance of gratification stood established, and that the points raised in appeal did not disclose any new or significant matter warranting interference. This approach is misconceived. An appeal is not to be rejected merely because it raises nothing "new"; its purpose is to test the correctness of the decision on the



existing record. While the appellate authority is entitled to concur with the disciplinary authority, such concurrence must follow an independent application of mind.<sup>5</sup>

34. The infirmity is not one of brevity, but of substance. The appellate reasoning proceeds on the assumption that acceptance of gratification stood established: an aspect already found to be uncertain. Once that premise is unsustainable, the appellate order, which rests upon it, cannot be upheld.

### ***Conclusion***

35. Once Article III is taken out of its assumed position as a proved corruption charge, the foundation of the case alters materially. What remains, at the highest, is limited in scope. Article I may survive as a lapse in supervision or deployment. The second limb of Article II may survive as a lapse in leaving the station without proper contemporaneous permission. The allegation of “sleeping on duty” does not stand on a sufficiently firm basis in the form charged.

36. In that context, the penalty of removal cannot be sustained. The case is not one of reappraisal of evidence, nor one in which every lapse must be erased; the difficulty lies in the foundation of the penalty itself. Once the corruption finding is found unsustainable, the extreme penalty cannot be allowed to be founded on the lesser surviving lapses. The link between the findings and the punishment has broken down.

37. At the same time, the Court must remain within the limits of judicial review. The choice of penalty ordinarily lies with the disciplinary authority. This is not a case for complete exoneration, nor one in which the Court should

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<sup>5</sup> *Ram Chander v. UOI & Ors.* (1986) 3 SCC 103.



substitute its own assessment of punishment. What may still survive is a narrower set of lapses, as noted above, which the employer may consider in accordance with law.

38. In these circumstances, the proper course, in the Court's opinion, is to set aside the impugned orders and direct reinstatement of the Petitioner, while granting limited liberty to the Corporation to reconsider the question of penalty on the basis of the surviving lapses and the existing record. The issue of monetary benefits for the interregnum shall abide the outcome of such reconsideration.

### ***Relief***

39. Accordingly, the writ petition is allowed in the following terms:

(i) The order dated 29<sup>th</sup> November, 2022 passed by the Disciplinary Authority, as communicated by memorandum dated 30<sup>th</sup> November, 2022, and the decision of the Appellate Authority (Executive Committee) taken in its meeting held on 31<sup>st</sup> August, 2023, rejecting the Petitioner's appeal and communicated by memorandum dated 18<sup>th</sup> September, 2023, are set aside.

(ii) The finding on Article III is set aside insofar as it treats the Petitioner's case as one of bribery, illegal gratification, or other grave corruption. The finding on Article II is also set aside insofar as it holds the charge of "sleeping on duty" to be proved.

(iii) The Respondents shall reinstate the Petitioner with continuity of service for the purposes of seniority, length of service and retiral entitlements. The financial consequences, including back wages, shall remain open for the present.

(iv) It shall be open to Respondent No. 2, if so advised, to reconsider only the question of penalty, limited to the surviving misconduct, namely Article I



and the second limb of Article II relating to unauthorized departure/absence on 11<sup>th</sup> September, 2020.

(v) Any such reconsideration shall be confined to the existing record. There shall be no reopening of Article III as a corruption or gratification charge, nor of the “sleeping on duty” limb of Article II, and no *de novo* inquiry shall be conducted.

(vi) Before passing any fresh order on penalty, the Respondents shall grant the Petitioner an opportunity of hearing confined to the question of punishment.

(vii) If the Respondents choose to exercise the above liberty, fresh decision shall be taken within eight weeks from the date of reinstatement. If no such decision is taken within that period, the Petitioner’s entitlement in respect of back wages and other monetary claims shall be considered and decided by the Respondents within a further six weeks, in the light of this judgment and in accordance with law.

40. With the above directions, the petition is disposed of, along with pending application(s), if any.

**SANJEEV NARULA, J**

**APRIL, 29 2026**

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