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

CNR No. DLHC010162612026

+ **W.P.(C) 5189/2026, CRL.M.A. 11573-11575/2026**

BRAHM PAL

.....Petitioner

Through: Mr. Abhinav Kathuria, Mr. Atul
Kumar Yadav, Advocates.

versus

REGISTRAR GENERAL & ORS.

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Mr. Shailendra Kumar Mishra, Ms.
Santha Smruthi, Advocates along
with Mr. C.S.P. Rao, Branch Officer,
Mr. Rahul Sharma, Senior Court
Assistant, Mr. Rajarshi Sharma,
Senior Court Assistant for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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13.08.2026

1. The Petitioner was employed as a Safai Karamchari in the Registry of the Supreme Court of India. A departmental inquiry was instituted against him in respect of three charges of misconduct. Charges 1 and 2 were found proved, while Charge 3 stood admitted. Upon consideration of the inquiry record and the Petitioner's representation, the Disciplinary Authority held all three charges proved and, by order dated 5th July, 2006, imposed upon him the penalty of dismissal under Rule 11(vii) of the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961. Now, nearly after twenty years, the Petitioner has approached this Court seeking reinstatement with back wages and consequential benefits. The principal



basis relied upon for reopening the matter is his acquittal, on 6th May, 2008, in a criminal prosecution arising from one part of the same transaction.

2. The record calls for some care because the disciplinary proceedings were not confined to the criminal allegation. Three charges were framed. The first was that, while continuing as an employee of the Supreme Court, the Petitioner had participated in the establishment and running of a placement company, initially known as ‘*Max World*’ and later as ‘*Rev. S. Masih & Co. Pvt. Ltd.*’, without obtaining the requisite permission. The second alleged that he had offered to secure government employment and had demanded INR 1 lakh from Mrs. Madhu Parihar and received INR 50,000 from her on 9th December, 2002, on the assurance that he would secure employment for her in the Supreme Court. The third concerned the acquisition and disposal of immovable property without intimation to the office and the use, in the relevant documents, of an official residence of a Judge of the Supreme Court, as his residential address.

3. The Petitioner denied Charges 1 and 2, while Charge 3 was admitted when the charges were read out to him in English and translated into Hindi on 27th October, 2004. He reiterated the admission in his representation dated 25th May, 2006 and sought a lenient view in respect thereof.

4. The inquiry was not a summary exercise. The Petitioner was permitted a Defence Assistant. Eight witnesses were examined on behalf of the department and two on behalf of the defence. Mrs. Madhu Parihar’s statement was recorded on 11th February, 2005. She stated that the Petitioner had represented that he could secure a job for her in the Supreme Court, that INR 1 lakh was demanded for that purpose, and that she paid INR 50,000 to him on 9th December, 2002 in his cabin, where Ganga Dass was present. Her



evidence was tested in cross-examination by the Defence Assistant.

5. In addition to the evidence of Mrs. Parihar, the inquiry contained evidence bearing on the Petitioner's involvement with the placement company. Rakesh Kumar spoke of his dealings with the Petitioner in connection with rubber stamps for the company and of an offer of employment made to him. Ashok Sharma, the owner of the premises from which the company functioned, stated that the premises had been let to the Petitioner and that the Petitioner paid the rent, and also spoke of an altercation between the Petitioner and a lady concerning a payment dispute. The Deputy Registrar of Companies produced the incorporation documents. Sanjay Tiwari, Chartered Accountant, stated that the subscribers named in the memorandum, including the Petitioner, had signed in his presence. Jagat Bahadur, who worked at the establishment, identified the Petitioner and stated that the Petitioner paid his salary, looked after the affairs of the company and had signed his identity card.

6. The Inquiry Officer, by report dated 14th February, 2006, found Charges 1 and 2 proved; Charge 3 had already been admitted. A copy of the report and the statement of findings of the Disciplinary Authority accompanied the Show Cause Notice. The Petitioner submitted a representation dated 25th May, 2006, in which he questioned, amongst other things, the signatures attributed to him, the non-examination of Ganga Dass and certain inconsistencies which, according to him, appeared in Mrs. Parihar's account of the source from which she had arranged the money.

7. The Disciplinary Authority considered the objections raised by the Petitioner. It found sufficient material to sustain the first two charges, recorded that the third charge stood admitted, rejected the contentions raised



in the representation and affirmed the findings recorded on 25th April, 2006. It thereafter held the Petitioner guilty of gross misconduct and, having regard to the gravity of the charges and the absence of mitigating circumstances, imposed the penalty of dismissal on 5th July, 2006.

8. A criminal prosecution arising from Mrs. Parihar's complaint proceeded independently. On 6th May, 2008, the Metropolitan Magistrate acquitted the Petitioner and Ganga Dass. The reason for the acquittal assumes importance. Despite several opportunities, the prosecution could not secure Mrs. Parihar's presence, and the Investigating Officer reported that she was not traceable. Ashok Sharma did not support the prosecution and stated that he did not remember the facts of the case. The Court, noting that the complainant was not traceable and that the other witnesses had not deposed anything connecting the accused with the crime, acquitted them for want of evidence. The Petitioner now seeks to rely upon this acquittal to reopen the dismissal of 2006.

Analysis

Delay and Laches

9. At the threshold, the petition is confronted with an insuperable delay. The order of dismissal was passed on 5th July, 2006. The Petitioner was acquitted on 6th May, 2008. Even if the latter date is taken entirely in his favour, as the point at which he acquired a basis to seek reconsideration, the present petition was filed only in 2026. The record contains mercy representations dated 15th June, 2021 and 10th February, 2022; however, there is no explanation for the long silence preceding them, much less for the period of more than eighteen years between the acquittal and the institution of these proceedings.



10. Although Article 226 prescribes no period of limitation, a writ petition must be instituted within a reasonable time. Delay and laches remain material considerations in the exercise of discretionary jurisdiction. A stale or concluded claim cannot be revived by submitting a belated representation. Nor does such a representation furnish a fresh cause of action. Delay must be tested with reference to the original cause of action, and not with reference to a later request for reconsideration or its disposal¹.

11. The representations of 2021 and 2022, therefore, do not bridge a silence extending over well more than a decade. A representation is not a device by which a concluded disciplinary order can be kept in suspended animation indefinitely. The cause of action remained the order of dismissal, and it could not be shifted to the later representations. On this ground alone, the petition is liable to fail.

Effect of the Subsequent Acquittal

12. Since considerable emphasis has nevertheless been placed on the subsequent acquittal, the Court has examined the matter on merits as well. That examination, however, does not advance the Petitioner's case.

13. The limits of judicial review in disciplinary matters are well settled. In exercise of writ jurisdiction, the Court is concerned with the legality of the decision-making process, and not with a reappraisal of the evidence as an appellate forum. It does not substitute its own view for that of the disciplinary authority merely because another view may also be possible. Interference is justified only where the inquiry is vitiated by breach of

¹ See: *C. Jacob v. Director of Geology & Mining & Anr.* (2008) 10 SCC 115; *Union of India & Ors. v. M.K. Sarkar*, (2010) 2 SCC 59.



natural justice or statutory rules; where the finding rests on no evidence; where relevant material has been ignored or irrelevant material has been relied upon; or where the conclusion is so perverse that no reasonable person could have arrived at it.²

14. Tested on those principles, the finding on Charge 1 cannot be described as one based on ‘no evidence’. The inquiry record comprised documents from the Registrar of Companies, the evidence of the Chartered Accountant associated with incorporation, the landlord’s testimony that the premises had been let to the Petitioner and that rent was paid by him, and the testimony of an employee who stated that the Petitioner paid his wages and managed the establishment. This Court is not concerned, in writ jurisdiction, with reappreciating the weight or sufficiency of that material, or with testing whether every witness was beyond criticism in every particular. The limited question is whether there was some material on which the Disciplinary Authority could reasonably conclude that the Petitioner was actively engaged in the affairs of the placement company. That threshold is met.

15. Charge 2 also did not disappear merely because the criminal prosecution failed. The distinction between the two records is material. Before the Inquiry Officer, Mrs. Parihar deposed regarding the demand and payment and was cross-examined. Before the criminal court, she could not be traced. The Metropolitan Magistrate, therefore, did not disbelieve her evidence; in fact, there was no evidence of hers before that Court to accept or reject. The acquittal was, thus, the consequence of failure of prosecution evidence, not a finding that the alleged payment never occurred or that the

² *B.C. Chaturvedi v. UOI & Ors.* (1995) 6 SCC 749; *Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava* (2021) 2 SCC 612; *State Bank of India v. A.G.D. Reddy* (2023) 14 SCC 391.



complaint was fabricated.

16. The distinction is significant. A criminal prosecution and a departmental inquiry differ both in purpose and in standard of proof. In a criminal trial, guilt must be established beyond reasonable doubt. In disciplinary proceedings, proof on a preponderance of probabilities is sufficient. A criminal verdict does not, therefore, conclude an independently conducted departmental inquiry. An acquittal, by itself, is not a ground to unsettle disciplinary findings recorded on the basis of material available in the inquiry.³

Objections to the Inquiry Record

17. The Petitioner complains that Ganga Dass, stated to have been present when the money changed hands, was not examined. The inquiry record shows that Ganga Dass had been cited as a defence witness. Notice could not be served because the address furnished was incomplete and, on 22nd November, 2005, the Defence Assistant asked that he be dropped since his current address was not known. The Disciplinary Authority specifically addressed this objection and held that, once the Petitioner chose not to pursue the production of Ganga Dass during the inquiry, he could not later found a challenge on that witness's non-examination. In any event, Mrs. Parihar was herself a direct witness to the payment. Ganga Dass's non-examination did not render her evidence non-existent.

18. The objection concerning handwriting comparison fares no better. The Petitioner sought expert examination of disputed signatures. The request was considered during the inquiry, but the Inquiry Officer found no need for

³ See: *Divisional Controller, KSRTC v. M.G. Vittal Rao* (2012) 1 SCC 442; *Nelson Motis v. Union of India* (1992) 4 SCC 711.



expert opinion, having regard to the signatures already available on record. In any event, the findings against the Petitioner did not rest solely on the disputed signature on the INR 50,000 receipt. There was oral evidence from Mrs. Parihar and independent evidence concerning his role in the company. On Charge 1, there were official records and several witnesses. Charge 3 stood admitted. No prejudice of the kind that could invalidate the inquiry is, thus, demonstrated.

Admitted Misconduct and Proportionality of Penalty

19. The admitted Charge 3 furnishes a further reason why the disciplinary findings cannot be displaced. The Petitioner's representation dated 25th May, 2006 expressly acknowledged the charge and sought leniency, referring to his past service and family circumstances. His description of himself as an illiterate Safai Karamchari does not detract from that admission. Illiteracy may explain an inability to read a document; it does not explain the admitted failure to intimate the property transactions or the use of the official residence of a Judge as his residential address in documents relating thereto.

20. The penalty also does not call for interference. The misconduct proved against the Petitioner was grave. A serving employee of the Supreme Court was found to have participated in an unauthorised placement business and, more seriously, to have offered to procure government employment for money. When these findings are read with the admitted third charge, the penalty of dismissal cannot be characterised as so shockingly disproportionate as to warrant interference in judicial review.

Conclusion

21. For these reasons, no ground is made out for interference with the disciplinary proceedings or the order of dismissal. The subsequent acquittal



does not warrant reopening the matter. Nor do the later representations overcome the delay and laches.

22. The present petition is, accordingly, dismissed. Pending applications shall stand disposed of.

SANJEEV NARULA, J

AUGUST 13, 2026/ab