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

Date of Decision: 18th August, 2026.

CNR No. DLHC010220432026

+ **CONT.CAS(C) 881/2026**

MADANJIT KUMAR

.....Petitioner

Through: Petitioner in person.

versus

SHRI C.P. JAIN

.....Respondent

Through: Mr. Kunal Sharma, Ms. Swati Yadav,
Advocates.

CNR No. DLHC010133172026

+ **W.P.(C) 4359/2026, CM APPL. 21221/2026 & CM APPL.
48077/2026**

MADANJIT KUMAR

.....Petitioner

Through: Petitioner in person.

versus

CENTRAL ELECTRONICS LTD.

.....Respondent

Through: Mr. Kunal Sharma, Ms. Swati Yadav,
Advocates.
Mr. Vinay Kaushik, Government
Pleader.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):



1. These proceedings mark the second round of litigation arising out of the same disciplinary action. W.P.(C) 4359/2026 challenges the order dated 18th March, 2026 passed by Central Electronics Limited,¹ by which the Petitioner has been compulsorily retired from service. That order came to be passed after this Court, by judgment dated 10th February, 2026 in W.P.(C) 13377/2018, set aside the earlier penalty of removal from service and remitted the question of punishment to the competent authority for fresh consideration.

2. The accompanying contempt petition alleges that the order dated 18th March, 2026 does not amount to compliance with the directions contained in the judgment dated 10th February, 2026.

3. Both matters arise from the same order, turn upon the scope and effect of the earlier judgment, and substantially traverse the same factual record. They have therefore been heard together and are being decided by this common judgment. Their legal questions, however, remain distinct: the writ petition concerns the validity of the fresh penalty, while the contempt petition concerns alleged non-compliance with the earlier directions.

Background

4. The Petitioner joined CEL on 10th December, 1993 and, over the years, rose to the position of Senior Manager (Public Relations). His service record was not wholly free of disciplinary proceedings. Proceedings initiated in 2012 did not result in proof of the charges. A penalty imposed in 2016 for alleged misuse of leave was set aside in appeal. Separate proceedings initiated in February, 2017 resulted in minor penalties. This history is relevant because, as will appear later, the order now under challenge refers

¹ “CEL”



to a “pattern of indiscipline” founded upon the Petitioner’s past record.

5. The disciplinary proceedings with which the present litigation is concerned began with a charge sheet dated 12th July, 2017, alleging that the Petitioner had used tweets and other communications to circulate allegations of corruption against CEL, attempted to bring outside influence to bear upon the organisation by approaching governmental authorities and the media, directly and through his spouse, and bypassed the prescribed channels for raising grievances. A separate allegation concerned his alleged involvement in publication of a cover story in Telecom LIVE. Although the Inquiry Officer found all charges proved, the Disciplinary Authority, while determining punishment, relied upon Charges 1, 3 and 4 and did not rely upon Charge 2 concerning the Telecom LIVE publication.

6. The Disciplinary Authority dismissed the Petitioner from service on 5th October, 2018. In appeal, the Board of Directors maintained the findings of misconduct but substituted removal from service for dismissal by order dated 28th November, 2018.

7. W.P.(C) 13377/2018 followed. By judgment dated 10th February, 2026, this Court rejected the challenge to the disciplinary findings. The Court held that the public dissemination of allegations, attempts to mobilise external pressure and departure from the internal grievance mechanism could legitimately attract disciplinary consequences. It also held that deletion of the tweets did not erase the misconduct, though it remained relevant while deciding punishment.

8. The Court, however, found the punishment of removal from service to be disproportionate. Since that finding lies at the heart of the present controversy, the relevant observations merit reproduction:



“32. The gravamen of the proved charges is that the Petitioner publicly amplified allegations against the organisation through tweets and re-tweets, pursued representations beyond the internal framework, and was found to have attempted to mobilise external pressure. Such conduct can attract the discipline contemplated by the Conduct, Discipline and Appeal Rules, 1976 and warrants a serious response. The question, however, is whether the ultimate civil consequence of severance from service is shown to be a proportionate and necessary measure on these proved facts.

x...x...x

34. Seen in that light, where the extreme penalty of severance is imposed, one would expect the order to reflect some calibration as to why such a measure was considered necessary and why lesser major penalties were regarded as inadequate to maintain institutional discipline.

35. The impugned orders do not reflect such a calibrated exercise in their reasoning on penalty. The orders proceed on a broad characterisation of reputational harm and institutional threat, but do not articulate why penalties short of termination (within the major penalty range) would not sufficiently serve the objectives of discipline and deterrence on the facts found proved.

36. Another relevant consideration is length of service. The Petitioner had rendered long service with the Respondent organisation. That circumstance does not excuse misconduct, but it remains a legitimate factor in deciding whether the inexorably warranted the harshest consequence.”

9. The Court accordingly held that the punishment reflected a “manifest imbalance” between the misconduct proved and its consequence, set aside the orders to the extent they imposed removal from service, and directed the competent authority to reconsider the penalty afresh.

The reconsideration

10. On 11th February, 2026, the Petitioner addressed a representation to CEL. He acknowledged the requirement of institutional discipline, undertook to maintain propriety in future, referred to his long service and the medical condition of his daughter, and requested that he be permitted to continue in service. He also pointed out that the proved misconduct did not involve corruption, moral turpitude or a criminal offence.

11. CEL passed the impugned order on 18th March, 2026. At its



commencement, the authority recorded that the earlier punishment had been set aside for want of adequate reasoning on proportionality and that the matter was being considered afresh. It then stated:

“the chargesheet against Sh. Madanjit Kumar was issued for the imposition of a major penalty, therefore, the imposition of a minor penalty is out of consideration.”

12. The order proceeded to enumerate what it described as five major penalties under the CDA Rules, namely reduction in the time scale of pay, reduction to a lower grade or post, compulsory retirement, removal and dismissal.

13. Dismissal and removal were excluded in view of the judgment of this Court. Reduction in pay or grade was rejected because either consequence would leave the Petitioner in the employment of CEL. The authority recorded that the relationship of trust and confidence had been substantially eroded and that continued service would not adequately address the gravity of the misconduct.

14. The order also contains the following passage:

“I have been given to understand that Sh. Madanjit Kumar forwarded defamatory articles and allegations against the company and its officials to the PMO, Cabinet Ministers, the Minister of State for Science & Technology, as well as to other media houses and persons.”

15. The authority then linked those acts to the period during which disinvestment of CEL was under consideration and expressed the view that the Petitioner had pursued a course capable of threatening “the existence of the company itself”.

16. The Petitioner’s earlier disciplinary history was also relied upon. The authority stated that he had been charge sheeted on multiple occasions and awarded penalties earlier, treating that history as demonstrating a pattern of indiscipline. It ultimately concluded that allowing him to return to service



could create insecurity among employees and jeopardise the discipline, stability and even the existence of CEL. Compulsory retirement was accordingly imposed “with immediate effect”.

17. The Petitioner challenges that order in W.P.(C) 4359/2026. He seeks reinstatement with continuity, back wages and interest, or, in the alternative, substitution of the punishment by this Court. No counter affidavit has been filed by CEL.

The contempt petition

18. The contempt petition can be disposed of at the outset.

19. The judgment dated 10th February, 2026 did not direct reinstatement, nor did it command CEL to impose any particular penalty. The findings of misconduct were preserved. What was remitted to the competent authority was the limited question of penalty, to be reconsidered in light of the observations made by this Court.

20. CEL did undertake that reconsideration. It examined the penalties which, according to it, remained available; gave reasons for rejecting penalties that would permit the Petitioner’s continuation in service; and selected an alternative punishment. Whether that decision is legally sustainable is a matter for judicial review in the writ petition. Its correctness, however, cannot be conflated with compliance of the earlier judgment.

21. A flawed reconsideration is not, for that reason alone, no reconsideration. An order may be erroneous, even seriously so, without the error amounting to contempt.

22. The governing principle is well settled. Once an authority passes a fresh order pursuant to a judicial direction, the correctness of that order may furnish a fresh cause for judicial review; contempt jurisdiction is not the



ordinary forum for testing the merits of the fresh decision. In *J.S. Parihar v. Ganpat Duggar & Ors.*,² the Supreme Court observed that disputes about the correctness of action taken pursuant to an earlier order belong to substantive proceedings and should not ordinarily be adjudicated in contempt.

23. On the present record, no wilful disobedience can fairly be inferred. The Petitioner has, in fact, availed the proper remedy by challenging the fresh order in W.P.(C) 4359/2026. The contempt petition is therefore dismissed.

The second writ petition

24. The writ petition, however, calls for a different examination. Compulsory retirement was an available major penalty under the CDA Rules. The question is whether, in imposing that penalty after remand, the Disciplinary Authority has addressed the concern identified in the earlier judgment and arrived at a punishment proportionate to the misconduct which stands proved.

The governing penalty framework

25. One aspect of the disciplinary framework must first be noticed. CEL has placed before the Court its revised Conduct, Discipline and Appeal Rules, 2019, which came into force on 1st June, 2019. These Rules contain a materially different enumeration of penalties from the earlier Rules.

26. Rule 23 of the revised CDA Rules sets out a graded range of punishments. Among the minor penalties, clause (e) permits reduction by one stage in the time scale of pay for a period not exceeding three years, without cumulative effect and without adversely affecting terminal benefits.

² 1996 INSC 1030



The major penalties commence with clause (f), which permits reduction to a lower stage in the time scale for a specified period, with directions regarding accrual of increments and their future effect. Clause (g) provides for reduction to a lower time scale, grade, post or service. Clause (h) expressly provides for compulsory retirement, followed by removal and dismissal under clauses (i) and (j).

27. The impugned order cannot, therefore, be faulted on the ground that compulsory retirement was foreign to CEL's disciplinary code. Nor does the judgment dated 10th February, 2026 prohibit its imposition merely because it results in cessation of employment. The issue is whether, having regard to the nature of the misconduct which stood proved and the observations which occasioned the earlier remand, compulsory retirement represented a proportionate exercise of that power.

28. The impugned order records that, since the charge sheet had been issued for imposition of a major penalty, a minor penalty was "out of consideration". The 2019 Rules do not support that proposition. Rule 25 prescribes the procedure to be followed where a major penalty is contemplated; it does not predetermine the punishment to be imposed at the conclusion of the enquiry. Rule 26(3), on the contrary, permits the Disciplinary Authority to impose any of the penalties specified in Rule 23.

29. Thus, initiation of proceedings under the major penalty procedure does not oblige the authority to impose a major penalty if the circumstances ultimately warrant something less. Even so, this error is not decisive. The judgment dated 10th February, 2026 had specifically required consideration of penalties short of termination within the major penalty range. The real question, therefore, is whether compulsory retirement was a proportionate



choice within that range.

Proportionality of the substituted penalty

30. The Petitioner's contention that compulsory retirement is itself inconsistent with the earlier judgment goes too far. Rule 23 treats compulsory retirement, removal and dismissal as distinct penalties, and that distinction cannot be disregarded merely because each results in cessation of service. The earlier judgment neither directed reinstatement nor ruled out every service ending penalty. It required the Disciplinary Authority to explain why severance remained necessary when other substantial penalties, short of termination, were available.

31. The order dated 18th March, 2026 undoubtedly contains more reasoning than the orders examined in the first round. It notices the earlier judgment, excludes removal and dismissal from consideration, identifies the remaining major penalties and gives reasons for rejecting reduction in pay or grade. It would therefore be inaccurate to characterise the order as wholly mechanical or unreasoned. The difficulty lies in the reasoning by which the authority again reaches severance from service.

32. Reduction in pay or grade is rejected substantially on the ground that such penalties would allow the Petitioner to remain in CEL. But continued employment was precisely the possibility which required evaluation. To say that a lesser penalty is inadequate because the employee would continue in service assumes the very conclusion which the exercise was required to establish, namely, that his continuation had become incompatible with organisational discipline.

33. The order seeks to bridge that gap by invoking loss of trust and confidence. That consideration is relevant. An organisation is entitled to



expect fidelity to its institutional discipline, particularly from a senior officer occupying a public-facing position. Loss of confidence, however, cannot operate as a formula which by itself justifies severance. Its factual basis must be found in the misconduct established in the disciplinary proceedings, and the consequence drawn from it must bear a reasonable relationship to that misconduct.

34. It is here that parts of the impugned reasoning become difficult to sustain. Paragraph 9 proceeds with the expression “I have been given to understand” and thereafter refers to communications addressed to the PMO, Cabinet Ministers and media houses during the period when disinvestment of CEL was under consideration. From those circumstances, the order proceeds to state that the Petitioner pursued a course which could potentially threaten the very existence of the Company. Later, his reinstatement is said to carry the possibility of creating insecurity amongst employees and jeopardising the discipline, stability and even the existence of CEL. Those are serious conclusions. The order does not identify the material which permits the proved misconduct to be elevated to consequences of that magnitude. The proved acts were undoubtedly capable of causing reputational and institutional harm. But the assessment of proportionality must proceed on the misconduct and consequences established on the record, not upon an amplification of their possible effects.

35. The reference to the Petitioner’s past disciplinary record must similarly be kept within its proper limits. The earlier judgment records that proceedings initiated in 2012 did not culminate in proof of misconduct, while the penalty imposed in 2016 was set aside in appeal. Proceedings in 2017 did result in minor penalties. The latter could legitimately form part of



the service record while considering punishment. The mere fact that an employee had faced other charge sheets, or had suffered a penalty which did not survive appellate scrutiny, could not carry the same aggravating weight. To the extent that the impugned order treats these materially different outcomes together as establishing a uniform “pattern of indiscipline”, the assessment lacks the necessary differentiation.

36. The mitigating circumstances also required a more substantive place in the balance. This Court had specifically noticed that the tweets were subsequently deleted and held that, although deletion did not efface the misconduct, it was relevant while considering punishment. The Petitioner thereafter submitted his representation dated 11th February, 2026, acknowledged the requirement of institutional discipline, assured future adherence to it and placed before the authority his long service and family circumstances. Length of service finds a reference in the impugned order, but the ultimate reasoning does not disclose how these considerations were weighed against the conclusion that no continued employment could any longer be permitted.

37. The actual effect of compulsory retirement is also relevant, though not determinative. Rule 23 treats compulsory retirement, removal and dismissal as distinct penalties, and that distinction must be maintained. Proportionality, however, also requires regard to the consequence which the penalty carries in the circumstances of the case. The Petitioner states that service in CEL is non-pensionable. Compulsory retirement, therefore, does not carry for him the pensionary benefit ordinarily associated with such a penalty and results in cessation of employment after more than two decades of service. That consequence is relevant while assessing whether the



punishment imposed was proportionate.

38. There is nevertheless an important difference between misconduct warranting a substantial punishment and misconduct which makes continued employment untenable. The charges upheld against the Petitioner do not involve corruption on his part, misappropriation, pecuniary gain, moral turpitude or criminal conduct. The allegation concerning his instrumental role in the Telecom LIVE publication was expressly not relied upon while determining punishment. He had served CEL since 1993, the tweets were subsequently deleted, and the record does not establish that the interests of discipline could be protected only by bringing that long employment relationship permanently to an end.

39. The test formulated by the Supreme Court in *Chairman cum Managing Director, Coal India Ltd. v. Mukul Kumar Choudhuri*³ is apposite. The Court emphasised that proportionality requires consideration of the measure, magnitude and degree of the misconduct, together with relevant circumstances, and exclusion of irrelevant ones; one useful test is whether a reasonable employer would have imposed the same punishment in like circumstances.

40. Tested on that standard, compulsory retirement remains excessive. CEL was entitled to impose a punishment carrying substantial financial and service consequences. What has not been satisfactorily demonstrated, even upon reconsideration, is the necessity of crossing the further line from a substantial disciplinary penalty to permanent severance from employment.

Whether a second remand is warranted

41. Ordinarily, this conclusion would lead to a remand. Selection of



punishment lies primarily within the disciplinary domain, and a writ court does not substitute its own preferred sanction merely because another penalty appears more appropriate. The present case, however, has reached a stage at which another remand would serve little purpose.

42. In *B.C. Chaturvedi v. Union of India*,⁴ the Supreme Court held that where punishment shocks the conscience of the Court, the normal course is to require reconsideration by the disciplinary or appellate authority. At the same time, to shorten litigation, the Court may itself impose an appropriate punishment in an exceptional case, provided cogent reasons are recorded.

43. That exception is attracted here. The disciplinary proceedings date back to 2017 and the Petitioner has remained out of service since October, 2018. The question of punishment has already been examined by this Court and remitted once for fresh consideration. The Disciplinary Authority has now undertaken that exercise and has again concluded that the Petitioner should not continue in service. A further remand would serve little purpose. The disciplinary record is complete, the available penalties are known, and the circumstances relevant to punishment are already before the Court. What remains is a question of calibration, not further fact finding.

44. The course adopted in *Dev Singh v. Punjab Tourism Development Corporation Ltd.*⁵ also illustrates that where the finding of misconduct can stand but the punishment cannot, the Court may, in an appropriate case, substitute a lesser punishment rather than prolong the disciplinary dispute through another remand. In *Mukul Kumar Choudhuri* as well, the Supreme Court considered a further remand unnecessary after finding the punishment

³ (2009) 15 SCC 620

⁴ (1995) 6 SCC 749



of removal from service to be disproportionate.

The appropriate penalty

45. Rule 23 itself provides the necessary gradation. A minor penalty under clause (e), consisting of reduction by one stage for a limited period without cumulative effect, would, in the Court's view, not adequately reflect the sustained nature of the conduct, the seniority of the Petitioner, his public-facing responsibilities and the previous minor disciplinary penalties which legitimately form part of his record. At the other end of the scale, compulsory retirement, removal and dismissal all sever the employment relationship, a consequence which, for the reasons already recorded, exceeds what the proved misconduct reasonably requires.

46. The major penalty contemplated by Rule 23(f) provides an appropriate middle course. It carries a real and measurable consequence in pay, unmistakably marks the seriousness of the misconduct and yet does not proceed on the premise that institutional discipline can be preserved only by excluding the Petitioner permanently from CEL.

47. Having considered the record as a whole, the penalty of compulsory retirement is substituted with the major penalty of **reduction by two stages in the applicable time scale of pay for a period of two years** from the date of reinstatement. During the period of reduction, the Petitioner shall not earn increments of pay. Upon expiry of the said period, the reduction shall cease to operate and shall not have the effect of postponing his future increments.

48. CEL shall remain at liberty to post the Petitioner to such assignment, consistent with his grade and the applicable service framework, as the management considers appropriate. Reinstatement does not confer upon him

⁵ (2003) 8 SCC 9



a right to return to Public Relations or to any particular post or assignment. Legitimate administrative concerns regarding the nature of duties to be entrusted to him can thus be addressed without converting them into a permanent severance of employment.

Back wages and continuity of service

49. The question of the period during which the Petitioner has remained out of service must be dealt with separately. He seeks reinstatement with full back wages, continuity and interest. Substitution of a service ending penalty by a lesser punishment does not, however, result in exoneration.

50. The disciplinary proceedings have not been invalidated, and the findings in respect of Charges 1, 3 and 4 remain undisturbed. Reinstatement follows because the Court has found the successive penalties resulting in severance from service excessive and has substituted a proportionate major penalty; it does not follow from any exoneration of the Petitioner.

51. Full back wages would therefore not be justified. The Petitioner rendered no service to CEL during this period. At the same time, the period cannot appropriately be treated as a complete severance for every purpose when the punishment ultimately imposed does not bring the service relationship to an end.

52. Accordingly, the Petitioner shall not be entitled to back wages or allowances for the period from 5th October, 2018 until his reinstatement. His pay shall, however, be notionally fixed for the limited purpose of determining the pay admissible upon reinstatement, by taking into account the increments which he would ordinarily have earned during the intervening period and any general revision of pay applicable to his grade. Such notional fixation shall not entitle him to arrears or any other monetary



benefit for the said period.

53. The pay so determined shall form the basis of his pay upon reinstatement. The reduction by two stages directed in paragraph 47 shall thereafter be applied to the pay so fixed.

The additional affidavit

54. During the pendency of the writ petition, the Petitioner has also placed on record documents obtained under the Right to Information Act concerning the continuation of Shri Chetan Prakash Jain as CMD beyond 18th October, 2025. The record shows that the Appointments Committee of the Cabinet subsequently accorded *ex post facto* approval on 28th May, 2026 for continuation of the additional charge with effect from 19th October, 2025.

55. The Petitioner contends that the effect of such *ex post facto* approval upon actions taken during the intervening period raises a distinct question concerning the authority under which the impugned order came to be passed. It is unnecessary to answer that question here. The order dated 18th March, 2026 cannot be sustained on the question of proportionality for the reasons already recorded, and the Court has itself determined the punishment so that the disciplinary dispute may attain finality. Nothing said in this judgment should therefore be understood as expressing an opinion on the validity or effect of the retrospective ACC approval.

Relief

56. W.P.(C) 4359/2026 is accordingly partly allowed in the following terms:

(i) The order dated 18th March, 2026 imposing the penalty of compulsory retirement upon the Petitioner is set aside.



(ii) The findings of misconduct, which already stand concluded by the judgment dated 10th February, 2026, are not reopened.

(iii) In substitution of the penalty imposed by CEL, the Petitioner shall suffer the major penalty under Rule 23(f) of reduction by two stages in the applicable time scale of pay for a period of two years from the date of reinstatement. He shall not earn increments during the said period. Upon its expiry, the reduction shall not have the effect of postponing future increments.

(iv) CEL shall reinstate the Petitioner within four weeks from today. His posting and assignment of duties shall remain within the administrative discretion of CEL, subject to the applicable service rules.

(v) The Petitioner shall not be entitled to back wages or allowances for the period from 5th October, 2018 until the date of reinstatement.

(vi) The said period shall nevertheless not constitute a break in service for computation of length of service and terminal benefits dependent upon such length of service, including gratuity, if otherwise admissible.

(vii) For purposes of fixation of pay upon reinstatement, the notional increments and general pay revisions, if any, shall be given effect to in the manner indicated in paragraphs 52 and 53 above. The penalty directed in paragraph 47 shall thereafter be applied to the pay so fixed.

(viii) In the event CEL does not reinstate the Petitioner within four weeks, he shall be entitled to salary upon expiry of that period until actual reinstatement, subject to the penalty imposed by this judgment.

57. CONT.CAS(C) 881/2026 is dismissed. The contempt notice, if any, stands discharged.



58. All pending applications stand disposed of.

SANJEEV NARULA, J

AUGUST 18, 2026/ab