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

Date of Decision: 06th August, 2026

CNR No. DLHC010349372026

+ **W.P.(C) 10858/2026, CM APPL. 50352/2026**

AWADESH KRISHNA

.....Petitioner

Through: Mr. Apoorv Kurup, Senior Advocate,
and Ms. Tanvi Dubey, Mr. Yash
Dubey and Ms. Mekala Ganesh
Kumar Reddy, Advocates.

versus

NATIONAL SEEDS CORPORATION LTD.

.....Respondent

Through: Mr. K.K. Sharma and Mr. Aman
Karan, Advocates for NSC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The petition arises at the threshold of disciplinary proceedings. The Petitioner seeks quashing of Memorandum No. 121 dated 21st July, 2026, by which four articles of charge have been framed against him. He also assails the communication dated 14th July, 2026 issued by the Chief Vigilance Officer, insofar as it declines to furnish certain documents sought by him, and seeks a direction to the Respondent to supply the said documents.
2. The Court is not concerned, at this stage, with the truth of the charges. The narrower question is whether the proceedings suffer from an infirmity which justifies interference before an inquiry has commenced, and whether



the Petitioner has a right to obtain the additional documents sought by him before submitting his initial written statement of defence.

Factual background

3. The Petitioner served as Regional Manager at the Jaipur Regional Office of the Respondent Corporation. He was transferred from that office on 21st June, 2022. On 6th July, 2026, the Chief Vigilance Officer issued a show cause notice referring to alleged financial and other irregularities at the Bharatpur Area Office during the period when the Petitioner exercised supervisory control over the Jaipur Region.

4. The Petitioner submitted a preliminary response on 14th July, 2026. While denying the allegations, he sought disclosure of 35 categories of documents before furnishing a detailed reply. These included, *inter alia*, account statements, manual bills, transportation challans, communications pertaining to officers posted at Bharatpur, reports of committees constituted at the regional level, records relating to the Seed Village Scheme, and the vigilance investigation report.

5. The Chief Vigilance Officer responded to the Petitioner's request item-wise vide letter dated 14th July, 2026, which was communicated by email at 6:39 p.m. on 21st July, 2026. While certain documents were furnished, others were stated to be unavailable, confidential, unrelated to the vigilance inquiry, or irrelevant to the allegations under investigation. The response further proceeded, in several instances, on the assumption that the Petitioner, being the Regional Manager at the relevant time, was already aware of the transactions in question.

6. On the same day, at 6:41 p.m., the disciplinary authority issued Memorandum No. 121 dated 21st July, 2026, framing four Articles of



Charge against the Petitioner. Thereafter, by communications dated 22nd July, 2026 and 27th July, 2026, the Petitioner reiterated his request for the documents sought earlier, asserting that the material furnished to him was inadequate to enable an effective response to the charges.

7. During the hearing, it was not disputed that all documents listed in and relied upon under the charge memorandum had been supplied to the Petitioner. The dispute regarding disclosure, therefore, survives only in respect of the additional documents forming part of the Petitioner's request comprising 35 items.

8. The Respondent has not filed a counter affidavit, as no formal notice has yet been issued in the present petition. Nevertheless, the Respondent has been heard, and its stand emerges from the material on record, the oral submissions advanced, and the written note tendered on its behalf. The written note contains allegations of siphoning of funds, corruption, and deliberate obstruction of the disciplinary proceedings. Since these allegations remain to be established in the disciplinary proceedings, the Court has refrained from taking them into account while adjudicating the present petition.

Submissions

9. Mr. Apoorv Kurup, Senior Counsel appearing for the Petitioner, contends that the charge memorandum was issued with a predetermined mind. Particular reliance is placed on the fact that the charge memorandum followed within barely two minutes of the communication conveying the Chief Vigilance Officer's response to the Petitioner's request for documents. This sequence of events demonstrates that no meaningful opportunity was afforded to the Petitioner either to examine the material supplied or to



submit a considered explanation before initiation of the disciplinary proceedings.

10. Reliance is further placed on Rule 40 of the National Seeds Corporation Employees' Conduct, Discipline and Appeal Rules, 2013. It is submitted that Rule 40 contemplates consideration of the delinquent employee's initial written statement of defence and confers upon the disciplinary authority the power to amend, modify, or even drop the articles of charge upon such consideration. The initial written statement, therefore, is not a mere formality confined to admission or denial of the charges, but serves a substantive purpose in enabling the disciplinary authority to determine whether a formal inquiry is warranted at all. Denial of documents necessary for preparing such a statement, it is argued, renders the safeguard embedded in Rule 40 illusory.

11. On the merits of the allegations, Mr. Kurup submits that the irregularities referred to in the charge memorandum pertain to the functioning of the Area Managers at Bharatpur and cannot, without more, be attributed to the Petitioner merely by reason of his supervisory position. In support of this submission, reference is made to the corrective measures allegedly undertaken during the Petitioner's tenure, his transfer in June 2022, and the appointment of a separate Nodal Officer for implementation of the Seed Village Scheme.

12. It is further submitted that withholding documents relevant to the defence at the stage of submission of the written statement deprives the charged employee of a reasonable opportunity to effectively respond to the allegations. Reliance, in this regard, is placed on *Harekrishna Das v. Union*



of India,¹ and *State of U.P. v. Saroj Kumar Sinha*.² Reliance is also placed on the Office Memorandum dated 25th August, 1961, which stipulates that requests for documents must be considered with reference to their relevance to the defence proposed to be advanced by the delinquent employee.

13. Mr. Kurup further submits that judicial interference at the threshold of disciplinary proceedings is warranted where the attendant circumstances disclose *mala fides*, bias, or a reasonable apprehension that the disciplinary authority has acted with a predetermined mind. The facts of the present case justify the exercise of such jurisdiction. In support of this proposition, reliance is placed on *State of Punjab v. V.K. Khanna*.³

14. *Per contra*, Mr. K.K. Sharma, counsel for the Respondent, submits that the writ petition is premature and not maintainable at this stage. He contends that a charge memorandum, by itself, ordinarily does not furnish a cause of action warranting judicial interference. The Petitioner must, therefore, participate in the disciplinary proceedings, submit his defence before the competent authority, and avail of the remedies available under the disciplinary framework, rather than seek quashing of the charges at their inception. In this regard, reliance is placed on *Union of India v. Kunisetty Satyanarayana*,⁴ *Ministry of Defence v. Prabhash Chandra Mirdha*,⁵ *Union of India v. Upendra Singh*,⁶ and *State of Orissa v. Sangram Keshari Misra*.⁷

15. Mr. Sharma further submits that the jurisdiction under Article 226 of

¹ 1992 I LLN 641 (Ori).

² (2010) 2 SCC 772.

³ (2001) 2 SCC 330.

⁴ (2006) 12 SCC 28.

⁵ (2012) 11 SCC 565.

⁶ (1994) 3 SCC 357.



the Constitution is discretionary and ought not to be invoked where an efficacious alternative remedy is available, save in exceptional circumstances. No such exceptional ground is made out in the present case. In particular, the Petitioner does not question the competence of the disciplinary authority to initiate the proceedings, and therefore no case for judicial intervention at this stage arises.

16. On the issue of disclosure, Mr. Sharma submits that all documents relied upon in support of the charges have already been furnished to the Petitioner. Any request for further documents falls within the domain of the Inquiry Authority under Rule 39 and must be considered at the appropriate stage of the inquiry. It is contended that the relevance of additional documents should not be examined in writ proceedings, as repeated requests for documents should not delay the disciplinary process.

Analysis

The challenge to the charge memorandum

17. The objection regarding the availability of an alternative remedy does not operate as an absolute bar to the exercise of jurisdiction under Article 226. Rather, it is a rule of prudence that guides the Court in the exercise of its discretionary jurisdiction. The Supreme Court has repeatedly emphasized the need for restraint where the governing framework provides an effective alternative remedy.⁸ Nonetheless, while courts ordinarily decline to exercise writ jurisdiction in such circumstances, interference remains permissible where the impugned action is without jurisdiction, contrary to law, or undertaken in violation of the requirements of fairness.

⁷ (2010) 13 SCC 311.

⁸ *South Indian Bank Ltd. v. Naveen Mathew Philip*, (2023) 17 SCC 311; *CIT v. Chhabil Dass Agarwal*,



18. The principles governing challenges to a charge memorandum are more narrowly defined. A charge memorandum neither determines rights nor visits the employee with civil consequences. It merely initiates a process through which the employee may answer the allegations and contest the evidence. At that stage, the Court is not concerned with the truth of the allegations or disputed questions of fact which fall for determination by the disciplinary authority.

19. As explained in *Upendra Singh*, judicial interference is warranted only in limited situations, such as where the articles of charge and imputations disclose no misconduct, or where the proceedings are otherwise contrary to law. The decision does not permit examination of the factual correctness of the allegations at the threshold.

20. The present case does not fall within those narrow exceptions. The charge memorandum has been issued by the competent disciplinary authority, a position not disputed by the Petitioner. The articles of charge, read with the statement of imputations, allege failures of supervision, monitoring, verification and compliance with the applicable conduct rules. Whether those allegations can ultimately be substantiated is a matter for the disciplinary process. They cannot be said, on their face, to disclose no misconduct.

21. The Petitioner's contentions that day-to-day operations were the responsibility of the Area Managers, that part of the outstanding amount accrued after his transfer, that he instituted corrective measures and committees, and that implementation of the Seed Village Scheme rested with a designated Nodal Officer, constitute matters of defence. Their

(2014) 1 SCC 603.



adjudication would require an evaluation of records and a determination of responsibility, which are matters properly falling within the disciplinary inquiry.

22. The close proximity between the two communications also does not advance the Petitioner's case. The charge memorandum may well have been prepared before the Chief Vigilance Officer's response was conveyed. At best, this indicates that the Respondent had resolved to initiate disciplinary proceedings. Without more, it does not establish that the disciplinary authority had predetermined the Petitioner's guilt. A decision to institute an inquiry is not synonymous with a decision to impose punishment.

23. **V.K. Khanna** makes no pronouncement on 'haste' in issuing a charge memorandum as a ground for judicial interference. That decision turned on its peculiar facts, where political interference, public pronouncements and other surrounding circumstances disclosed *mala fides* warranting intervention at the threshold. At the same time, the Supreme Court also cautioned that allegations of *mala fides* must rest on clear and cogent material, and not on mere suspicion or apprehension.

24. The observations in the Chief Vigilance Officer's communication describing the Petitioner as a "habitual delayer" were unnecessary. Equally, certain expressions employed in the Respondent's written note would have been better avoided. However, neither can be construed as demonstrating that the disciplinary authority has foreclosed consideration of the Petitioner's defence. To obviate any apprehension, it is clarified that the disciplinary authority, as well as any Inquiry Authority appointed in the proceedings, shall independently assess the matter on its own merits and remain uninfluenced by such observations.



25. For the aforesaid reasons, the challenge to Memorandum No. 121 dated 21st July, 2026 fails and is accordingly rejected.

The request for additional documents

26. The parties have occasionally spoken of “documents” without maintaining the distinction drawn by the Rules themselves. Documents relied upon by the employer to sustain the charges stand on one footing; documents sought by the employee in support of his defence stand on another.

27. Rule 39(3) requires the disciplinary authority to furnish the articles of charge, the statement of imputations, the list of relied-upon documents and the list of witnesses. The employee is thereafter required to submit a written statement of defence admitting or denying the charges. Upon considering that statement, the disciplinary authority may itself inquire into the charges or appoint an Inquiry Authority.

28. The written statement contemplated by Rule 40 is not an empty formality. Upon examining it, the disciplinary authority may amend or modify the articles of charge, or even drop some or all of them. An inquiry is therefore not an inevitable consequence of the issuance of a charge memorandum.

29. At the same time, Rule 40 does not create an unrestricted right of discovery before an Inquiry Authority comes into existence. The procedure governing requests for additional documents is separately provided in Rule 39(10) to (12).

30. Under those provisions, a charged employee may seek production of documents in the possession of the management which do not form part of the relied-upon record. The employee must indicate their relevance. The



Inquiry Authority may decline such a request for reasons to be recorded in writing, while the custodian of records may claim privilege where disclosure would be contrary to public interest or the interests of the Corporation.

31. The two provisions must therefore be read harmoniously. Rule 40 ensures that the initial written statement serves a meaningful purpose, while Rule 39 entrusts questions relating to the relevance, production and privilege of additional documents to the Inquiry Authority. Rule 40 cannot be construed as establishing a parallel and unrestricted process of pre-inquiry discovery.

32. This construction does not reduce the written statement to a bare admission or denial of the charges. The employee remains entitled to furnish his explanation, identify perceived deficiencies in the imputations, rely upon the material already supplied, and place before the disciplinary authority circumstances which, according to him, render a further inquiry unnecessary. What Rule 40 does not contemplate is the marshalling of the entire evidentiary defence at that stage.

33. ***Harekrishna Das*** underscores the significance of the initial written statement and recognises that access to relevant additional documents before its submission may form part of a reasonable opportunity of defence. The decision, however, also recognises certain limits upon that entitlement. The employee must identify the documents sought and indicate their relevance; fishing or roving inquiries may legitimately be declined. Equally, documents which do not exist cannot be produced, and a preliminary inquiry report need not be disclosed where it is not proposed to be relied upon.

34. The facts of ***Harekrishna Das*** are equally instructive. The Court found that substantially all relevant records had already been made available



and that repeated demands for non-existent or otherwise inaccessible documents had become a means of delaying participation in the inquiry. The challenge was consequently rejected.

35. The decision therefore does not support the proposition that every document sought by an employee must invariably be furnished before submission of the initial written statement. At most, it requires that a request founded on identified relevance be considered fairly. In the present case, the Petitioner's request encompasses several categories of material. Some documents have already been supplied; some are stated not to exist; some relate to the preliminary vigilance exercise; while others are claimed to be exculpatory. Their relevance cannot be determined in the abstract or as a single class.

36. *Saroj Kumar Sinha*, on the other hand, arose after conclusion of the disciplinary proceedings, which culminated in an order of removal. Documents forming the foundation of the charges had been denied to the employee, and the inquiry proceeded in his absence without proper proof of the evidence relied upon. It was in those circumstances that the Supreme Court found the denial of a fair opportunity to have caused prejudice.

37. The present case stands on a materially different footing. No inquiry has commenced, no evidence has been recorded, and no final determination has been made. More importantly, it is undisputed that all documents relied upon in support of the charges have already been furnished to the Petitioner. The Petitioner remains at liberty to seek production of additional documents before the Inquiry Authority and establish their relevance in accordance with Rule 39.

38. The Office Memorandum dated 25th August, 1961 also does not



warrant a different conclusion. While it recognises that relevance must be assessed from the standpoint of the defence, it equally acknowledges that access to official records is not unqualified and may be denied where the documents are irrelevant or disclosure would be contrary to public interest. The Memorandum further clarifies that preliminary inquiry reports need not ordinarily be disclosed where they are not relied upon in the disciplinary proceedings. These principles may guide consideration of a request for documents, but they do not displace the procedure prescribed under Rule 39.

39. Examined in that light, the Petitioner's request for 35 documents cannot be accepted as a single composite claim. The documents fall into distinct categories. Some have already been furnished. Some are stated not to exist. Some pertain to the preliminary vigilance exercise and are not proposed to be relied upon in the disciplinary proceedings. Others are sought on the footing that they may assist the Petitioner's defence. Whether any such additional document ought to be produced necessarily depends upon its relevance to the issues arising in the inquiry, the purpose for which it is sought, and any claim of privilege that may be asserted. Those are matters which the Rules entrust, in the first instance, to the Inquiry Authority and do not lend themselves to determination in a blanket manner in proceedings under Article 226.

40. This is not to suggest that the Petitioner is without remedy. If an Inquiry Authority is appointed, it shall consider any request for production of additional documents in accordance with Rule 39, keeping in view the principles recognised in *Harekrishna Das* and the Office Memorandum dated 25th August, 1961. Any request so made shall be examined on its own merits and a reasoned decision shall be taken thereon.



41. In these circumstances, the Petitioner has failed to make out a case for judicial intervention either against the charge memorandum or for a direction requiring disclosure of all documents sought under the communication dated 14th July, 2026 at this stage. The disciplinary proceedings shall, however, continue strictly in accordance with the applicable Rules and uninfluenced by any observations contained in this order on the merits of the allegations.

The communication of the Chief Vigilance Officer

42. The letter dated 14th July, 2026 was issued in answer to a request made while the show cause notice was under consideration. There is nothing inherently unlawful in the custodian of vigilance records answering a request for those records. Every response concerning documents need not emanate personally from the disciplinary authority.

43. At the same time, the Chief Vigilance Officer's opinion on the relevance of a document cannot conclude the question at the inquiry. The Rules entrust that decision to the Inquiry Authority. The communication, therefore, need not be quashed. It will remain a record of what was supplied, what was stated to be unavailable and what the Vigilance Division declined to furnish. Its conclusions on relevance will not bind the Inquiry Authority.

44. A direction from this Court requiring immediate production of all 35 categories would place the Court in the position of the Inquiry Authority. It would also allow the prescribed sequence of the disciplinary process to be displaced whenever an employee presents a sufficiently long list of documents. Neither natural justice nor Rule 40 requires that result.

Conclusion and Directions

45. The writ petition is disposed of in the following terms:



- (i) The challenge to Memorandum No. 121 dated 21st July, 2026 is rejected.
- (ii) The challenge to the communication dated 14th July, 2026 issued by the Chief Vigilance Officer is also rejected.
- (iii) It is recorded that all documents relied upon in support of the charges have been supplied to the Petitioner.
- (iv) The Petitioner shall submit his written statement of defence within ten days from the date of this judgment. No adverse consequence shall follow from his failure to do so within the period originally stipulated.
- (v) Along with the written statement, the Petitioner may furnish a concise schedule identifying any document from his request of 14th July, 2026 which he continues to seek, indicating its relevance to the charges and the purpose for which it is required.
- (vi) The disciplinary authority shall consider the written statement in accordance with Rule 40 before taking the next step contemplated under Rule 39.
- (vii) If an Inquiry Authority is appointed, the surviving requests for additional documents shall be considered by it under Rule 39(10) to (12), uninfluenced by any observations contained in the Chief Vigilance Officer's communication or the Respondent's written note.
- (viii) The preliminary vigilance report need not be disclosed if it is not proposed to be relied upon. However, no part of that report shall be used against the Petitioner without first affording him access to the material sought to be relied upon and an opportunity to respond.
- (ix) If any additional document is furnished pursuant to a request allowed by the Inquiry Authority, the Petitioner may place a supplementary



statement confined to such material within seven days thereof.

46. Nothing contained in this judgment shall be construed as an expression on the merits of the allegations, the Petitioner's responsibility, the evidentiary value of any material, or the validity of any defence, all of which are left open for determination in the disciplinary proceedings.

47. The writ petition, along with all pending applications, stands disposed of in the above terms.

SANJEEV NARULA, J

AUGUST 6, 2026

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