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

CNR No. DLHC010387002026

+ **W.P.(C) 12023/2026**

MANISH GUPTA

.....Petitioner

Through: *Petitioner-in-person.*

versus

**UTI INFRASTRUCTURE TECHNOLOGY AND SERVICES LTD
& ORS.**

.....Respondents

Through: **Dr. Kamini Lau, Advocate for R1.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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24.08.2026

1. The Petitioner, who appears in person, assails the Memorandum of Charges dated 07th August, 2026, issued to him under the UTIITSL Conduct, Discipline and Appeals Rules [*"CDA Rules"*]. Three Articles of Charge have been framed against him. They relate to alleged unauthorised retention and communication of official records, non-compliance with the order transferring him from Delhi to Raipur, and absence from duty without sanctioned leave.
2. The challenge is pressed on two broad grounds. The Petitioner first submits that the disciplinary action is retaliatory. According to him, he had addressed complaints, *inter alia*, to the Prime Minister's Office and the Cabinet Secretariat alleging irregularities against senior functionaries of Respondent No. 1. He refers to the sequence of events thereafter, including



his transfer to Raipur, and contends that the impugned charge-sheet forms part of the alleged victimisation. He also relies upon the Whistle Blower Policy of Respondent No. 1 and submits that the disciplinary action, insofar as it concerns documents relied upon by him in making such complaints, is not consistent with the protection contemplated under the said Policy.

3. The second objection is one of competence. The Petitioner relies upon the amended Schedule to the CDA Rules and submits that, for officers up to the rank of Deputy Vice President, the designated Disciplinary Authority is the Vice President-HR or Vice President-Internal Audit, as nominated by the MD & CEO. The impugned Memorandum of Charges has, however, been issued by Mr. Bastin Paul, Vice President, who, according to the Petitioner, does not occupy either of the designated offices.

4. Dr. Kamini Lau, counsel appearing for Respondent No.1, opposes the petition at the threshold. She submits that interference with a charge-sheet is ordinarily impermissible and that the allegations of *mala fides*, the justification for the Petitioner's absence, the circumstances surrounding his transfer and his claim to whistle-blower protection involve matters which ought, at this stage, to be examined in the disciplinary proceedings rather than in exercise of the Court's writ jurisdiction.

5. On the question of competence, Dr. Lau submits that the objection proceeds on an incomplete reading of the Rules. She points out that, at the relevant time, no officer was holding the post of Vice President-HR or Vice President-Internal Audit. Reliance is placed upon Rule 5 of the UTIITSL Staff Rules, 1995, which empowers the Chairman/CEO to delegate to any officer, howsoever described, all or any of the powers conferred upon him under the Rules. She also relies upon the Note appended to the Schedule,



which enables an authority higher in rank than the designated authority to exercise the functions of the Disciplinary Authority. According to her, the MD & CEO was therefore competent to designate Mr. Bastin Paul as the Disciplinary Authority for the present proceedings.

6. At the outset, the Court finds no reason to entertain the challenge to the merits of the charge-sheet at this stage. The Petitioner has not yet been visited with any penalty. He has been called upon to submit his Written Statement of Defence in response to the Articles of Charge, and the Memorandum itself records that no findings or conclusions have been arrived at regarding the allegations and contemplates an inquiry in accordance with Rule 25 of the CDA Rules.

7. The governing principle is settled. Ordinarily, a writ petition does not lie against a charge-sheet or a show-cause notice, since such a challenge is premature at that stage. A charge-sheet does not, by itself, create a cause of action or operate as an adverse order affecting the rights of the employee; the proceedings may yet be dropped after consideration of the employee's reply or upon conclusion of the inquiry. An exception arises where the charge-sheet has been issued by a person having no jurisdiction to do so, and in such rare and exceptional cases the High Court may interfere where the charge-sheet is found to be wholly without jurisdiction or otherwise wholly illegal. These principles were reiterated by the Supreme Court in *State of Jharkhand & Ors. v. Rukma Kesh Mishra*¹ with reference to *Union of India & Anr. v. Kunisetty Satyanarayana*². The Supreme Court has also held that, unless the applicable rules provide otherwise, disciplinary

¹ 2025 INSC 412.

² (2006) 12 SCC 28.



proceedings are not invalid merely because the charge-sheet was not issued or approved by the Appointing or Disciplinary Authority. The issue must therefore be tested against the governing Rules.

8. Weighed against that standard, the Petitioner's allegations that the charges are false, retaliatory or motivated do not warrant interdiction of the disciplinary proceedings at this stage. Those assertions raise disputed questions of fact which are appropriately to be considered in the disciplinary proceedings. The defence based upon his medical condition and leave, as also his explanation for non-joining at Raipur, are matters which he can place before the Inquiry Authority. Equally, whether the use of the documents referred to in Article I was protected by the Whistle Blower Policy or amounted to unauthorised communication under the applicable service rules, is a matter which can be raised by the Petitioner in the disciplinary proceedings and is not one which this Court ought to determine at this stage.

9. There is, in any event, no occasion to examine the transfer controversy here. The transfer order dated 19th June, 2026 is already under challenge in W.P.(C.) 8697/2026, in which this Court, by order dated 06th July, 2026, declined interim stay while issuing notice. That issue is, therefore, already *sub judice* and need not be considered parallelly in the present proceedings challenging the Memorandum of Charges.

10. The objection concerning the authority which issued the charge-sheet, however, stands on a different footing and requires a response. The issue arises from the provisions of the CDA Rules governing the Disciplinary Authority and the initiation of disciplinary proceedings, as also from the Respondent's reliance upon Rule 5 of the Staff Rules, 1995 as the source of



the delegation in favour of Mr. Bastin Paul.

11. Under the CDA Rules, “*Disciplinary Authority*” means the Authority specified in the Schedule appended to the Rules and competent to impose any of the penalties specified in Rule 23. Rule 24 provides that the Disciplinary Authority specified in the Schedule, or any authority higher than it, may impose the penalties stipulated in Rule 23. Rule 25 provides that where the Disciplinary Authority is of the opinion that there are grounds for enquiring into the truth of any imputation of misconduct, it may itself enquire into the matter or appoint an Inquiring Authority; and, where an inquiry is proposed, the Disciplinary Authority shall frame definite charges.

12. The amended Schedule, insofar as presently relevant, identifies Vice President-HR or Vice President-Internal Audit, as nominated by the MD & CEO, as the Disciplinary Authority for officers up to the rank of Deputy Vice President. The Schedule also expressly permits an authority higher in rank than the designated officer to exercise the functions of the Disciplinary Authority.

13. The record produced by Respondent No. 1 indicates that the issue was examined internally before proceedings were initiated. The Office Note dated 05th August, 2026 records that no officer was then posted as Vice President-HR or Vice President-Internal Audit. On that basis, it proposed that Mr. Bastin Paul, Vice President, be designated as the Competent Disciplinary Authority for the disciplinary proceedings against the Petitioner. The proposal was placed before the MD & CEO. The case of Respondent No. 1 is that the designation/delegation was thereafter communicated on 06th August, 2026 and that the Memorandum of Charges was issued on 07th August, 2026 by Mr. Paul, as “*Vice President &*



Disciplinary Authority”.

14. Respondent No. 1 seeks to sustain this arrangement principally by relying upon Rule 5 of the Staff Rules, 1995, which permits the Chairman/CEO to delegate to any officer, howsoever described, all or any of the powers conferred upon him under those Rules. Reliance is also placed upon the Note appended to the Schedule to the CDA Rules, which permits an authority higher in rank than the designated officer to exercise the functions of the Disciplinary Authority. According to Respondent No. 1, these provisions enabled the MD & CEO to designate Mr. Bastin Paul as the Disciplinary Authority for the present proceedings. The definition of “*Competent Authority*” contained in Rule 3(g) of the CDA Rules has also been referred to in this context.

15. At this stage, the Court does not express any concluded view on the validity of the aforesaid delegation. The CDA Rules define the “*Disciplinary Authority*” as the authority specified in the Schedule and competent to impose the penalties specified in Rule 23. The Schedule identifies the authority for the relevant category of employees, while Rule 25 confers specific functions upon the Disciplinary Authority in relation to the initiation of disciplinary proceedings and framing of charges. Further, Rule 2 of the CDA Rules provides that those Rules supersede previous writings, communications or rules. Rule 3(g), in turn, defines the “*Competent Authority*” by reference to an authority empowered by the Board through any general or special rule or order to discharge specified functions or exercise specified powers. The question, therefore, is whether, and if so on what legal basis, Rule 5 of the Staff Rules, 1995 can be invoked in the present case to confer upon Mr. Paul the functions of the Disciplinary



Authority under the CDA Rules, and whether the Note appended to the Schedule or Rule 3(g) has any bearing upon such case-specific designation. This question requires consideration upon response from Respondent No. 1.

16. Issue notice confined to the aforesaid question of the competence of Mr. Paul to act as the Disciplinary Authority and issue the impugned Memorandum of Charges dated 07th August, 2026. Dr. Lau, counsel appearing on behalf of Respondent No. 1, accepts notice.

17. Respondent No. 1 shall file a counter affidavit within two weeks from today, specifically placing on record: (i) the source of power under which Mr. Bastin Paul was designated as the Disciplinary Authority; (ii) the relevant delegation/approval of the MD & CEO; (iii) the Board resolutions or other material bearing upon the applicability of Rule 5 of the Staff Rules, 1995 to disciplinary matters governed by the CDA Rules, including the basis, if any, on which Rule 3(g) of the CDA Rules is relied upon; and (iv) the position regarding the incumbency of the posts of Vice President-HR and Vice President-Internal Audit on the relevant date.

18. No separate affidavit is presently required from the individual Respondents against whom allegations of *mala fides* have been made. The issue on which notice has been issued is confined to the institutional question concerning the competence of the authority which initiated the disciplinary proceedings.

19. Re-notify on 13th October, 2026.

CM APPL. 55736/2026 (seeking stay)

20. Insofar as interim relief is concerned, the Court does not consider it appropriate to stay the impugned Memorandum of Charges or the disciplinary inquiry. The Petitioner shall be at liberty to submit his Written



Statement of Defence and participate in the proceedings, without prejudice to the jurisdictional objection raised in this petition. Respondent No. 1 may proceed with the inquiry, in accordance with law.

21. However, since the limited question on which notice has been issued goes to the competence of the authority under which the disciplinary proceedings have been initiated, it is directed that no final order pursuant to the impugned Memorandum of Charges shall be passed till the next date of hearing.

22. List for further directions on 13th October, 2026.

SANJEEV NARULA, J

AUGUST 24, 2026/hc