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

CNR No. DLHC010388362026

+ **W.P.(C) 12060/2026 & CM APPLs. 55958-55960/2026**

SUSHIL KUMAR

.....Petitioner

Through: Mr. Satyendra Kumar, Ms. Sunita Bhardwaj, Mr. Abhishek Tandon, Mr. Saransh Atttri, Mr. Gaurav, Mr. Rajat Kumar and Ms. Kajol Agarwal, Advocates.

versus

**DELHI SC ST OBC MINORITIES AND HANDICAPPED
FINANCIAL AND DEVELOPMENT CORPORATION LTD &
ORS.**

.....Respondents

Through: Mrs. Avnish Ahlawat, SC (GNCTD) with Mr. N.K. Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for R-2.
Mr. Vikram Jetly, CGSC with Ms. Shreya Jetly, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.08.2026

1. The Petitioner, a former Lower Division Clerk (LDC), was employed with the Delhi SC/ST/OBC/Minorities & Handicapped Financial and



Development Corporation Limited¹, a Government of NCT of Delhi undertaking.

2. While serving as a Peon at the Nand Nagri Branch Office of DSFDC, the Petitioner's duties were stated to be confined to serving water to the officers, carrying files from one table to another and taking *dak* to the headquarters.

3. In 2003, an entry was made at Serial No. 232 of the Form Issue Register maintained at the said Branch, recording the issuance of loan application Form No. 6640 under the Safai Karamchari Division Loan Scheme in the name of one Rishi Pal, which entry was attributed to the Petitioner. It is further alleged that, on 19th June, 2003, the Petitioner brought a separate loan application, Form No. 6769, in the name of Rishi Pal to one Sanjay Kumar, another Peon posted at the said Branch, who entered the same in the Safai Karamchari Division Receipt Register at Serial No. 438, with an endorsement that the form had been brought by the Petitioner. The said loan application was thereafter approved by the Loan Sanction Committee of DSFDC on 6th August, 2003, and a sum of Rs. 50,000/- came to be disbursed.

4. According to the Respondent Corporation, the said loan was sanctioned on the basis of forged and fabricated documents, and it was later discovered that the purported borrower did not, in fact, reside at the address mentioned in the loan records.

5. Consequently, on a complaint lodged by the then General Manager of DSFDC, FIR No. 45/2007 dated 9th October, 2007, came to be registered at Police Station Anti-Corruption Branch, GNCTD, for offences punishable

¹ "DSFDC"



under Sections 120-B, 420, 468 and 471 of the Indian Penal Code, 1860 and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

6. Pursuant thereto, the Petitioner was arrested and placed under suspension with effect from 24th November, 2008, by Office Order dated 27th November, 2008, issued under Rule 10(1) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

7. The Petitioner's suspension was subsequently revoked vide Office Order dated 12th March, 2013, and he was reinstated in service, without prejudice to the pending criminal and departmental proceedings. Thereafter, the disciplinary proceedings continued alongside the criminal prosecution.

8. Counsel for the Petitioner points out that final arguments in the criminal trial had concluded and judgment had been reserved on 26th November, 2025. However, prior to pronouncement of the said judgment, the Disciplinary Authority, by order dated 15th January, 2026, relying upon the findings recorded in the departmental enquiry, held the charges against the Petitioner to be proved and imposed upon him the penalty of dismissal from service.

9. Insofar as the criminal proceedings are concerned, the Special Judge (PC Act), by judgment dated 17th January, 2026, acquitted the Petitioner after a full-fledged trial. In relation to the Petitioner, the Trial Court observed as under:

“While the prosecution has proved that the real Rishipal had not obtained the loan in question but the evidence against accused Sushil Kumar rests predominantly on the opinion of the handwriting expert, which, in the absence of substantive and independent corroboration, cannot by itself form the basis of conviction. No witness has deposed that he misused the loan



documents filed by real Rishipal along with his previous rejected loan application; or that he changed the loan application form; or that he filled up the loan application form Ex. PW-3/B2 or the 46 post dated cheques or the letter of acceptance of loan; or that he submitted forged documents for fictitious Rishipal or guarantor Madan Mohan; or that he derived any pecuniary advantage from the transaction; or that he deposited the amount back into the account vide Deposit slip Ex. PW-23/B. In the absence of proof of dishonest intention, benefit, or conscious participation, the essential ingredients of the offences alleged against accused Sushil Kumar remain unproved. He is therefore entitled to the benefit of doubt..”

10. Counsel for the Petitioner submits that both the criminal prosecution and the departmental proceedings emanate from the very same transaction and are founded upon an identical set of facts. It is contended that the evidence adduced by the Department in both proceedings was substantially the same. In particular, two of the witnesses examined on behalf of the Department in the disciplinary enquiry also deposed during the criminal trial. It is, therefore, urged that the criminal and departmental proceedings were based on the same evidence and witnesses. Counsel for the Petitioner further submits that the Trial Court, after considering the evidence led during the criminal trial, found the essential ingredients of the offences alleged against the Petitioner to be unproved. In these circumstances, where both proceedings arise from the same investigation and are founded upon substantially identical evidence, the findings recorded in the departmental proceedings cannot be sustained. In support of the aforesaid submissions, reliance is placed upon the judgment of the Supreme Court in **Ram Lal v. State of Rajasthan**².

11. The aforesaid submissions, *prima facie*, do merit consideration. At the same time, this Court cannot overlook the fact that the impugned order is

² 2023 INSC 1047



appealable under the applicable service rules and that the Petitioner has an efficacious statutory remedy before the competent Appellate Authority.

12. Counsel for the Petitioner submits that despite submission of the representation dated 2nd February, 2026, no decision has been taken thereon. It is accordingly urged that the said representation be treated as a statutory appeal against the order of the Disciplinary Authority, and that the grounds urged in the present writ petition be treated as supplementary grounds in support thereof.

13. The representation dated 2nd February, 2026, placed on record as Annexure P-9, is addressed to the Disciplinary Authority. Counsel for the Respondents, on instructions, submits that the same shall be placed before the competent Appellate Authority in accordance with law. The Appellate Authority shall treat the said representation as the Petitioner's statutory appeal and consider the grounds urged in the present writ petition as supplementary grounds thereto. A reasoned order shall be passed in accordance with law.

14. The Petitioner is stated to be suffering from chronic kidney disease, hypertension and heart failure with reduced ejection fraction and is undergoing dialysis. The medical records relating to the Petitioner have been placed on record. Having regard to the Petitioner's medical condition, the Appellate Authority is directed to decide the appeal within a period of two months from today.

15. It is clarified that all rights and contentions of the parties are left open. The observations made herein are only for the purpose of disposal of the present petition and are *prima facie* in nature. The Appellate Authority shall independently consider and decide the appeal on its own merits, in



accordance with law, uninfluenced by any observations made in this order.

16. The writ petition is disposed of in the above terms, along with the pending application(s).

SANJEEV NARULA, J

AUGUST 20, 2026

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