



2026:DHC:7300-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010399352026
+ **W.P.(C) 12398/2026 & CAV 408/2026, CM APPL. 57500/2026, CM APPL. 57501/2026, CM APPL. 57502/2026**

UNION OF INDIA & ORS. Petitioners
Through: Mr. Manish Kumar, SPC, Ms. Pragya Bharti, GP, Mr. Kumar Gaurav, Mr. Somnath Bhattacharjee, Mr. Luv Kumar and Mr. Prakarsh Giri, Advs.

versus

SH. SURESH KUMAR BHATIA Respondent
Through: Mr. Jasbir Singh Malik and Ms. Prachi Sohi, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)
% **25.08.2026**

C. HARI SHANKAR, J.

1. This writ petition is directed against judgment dated 3 March 2026 passed by the Central Administrative Tribunal¹ in OA 2223/2025, whereby the Tribunal has allowed the OA.

2. The respondent, while working as Junior Engineer (Civil) in the CPWD was indicted by the CBI in RC 34A/95. He was convicted by



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the learned Special Judge CBI (PC Act²) *vide* judgment dated 31 July 2014 and sentenced on 5 August 2014.

3. In view of his conviction, the respondent was first issued a show cause notice proposing a penalty of dismissal from service, whereafter, *vide* order dated 17 December 2014, the respondent was dismissed from service under Rule 19(1) of the Central Civil Services (Classification, Control and Appeal) Rules 1965.

4. In the interregnum, the respondent challenged the order of conviction before this Court by way of Crl. A. 1256/2014. By judgment dated 19 August 2019, this Court set aside the conviction and sentence of the respondent and acquitted him of the charges against him.

5. SLP (Criminal) D 21648/2020, preferred thereagainst, was also dismissed by the Supreme Court both on delay as well as on merits.

6. We deem it appropriate to reproduce the following paragraphs from the judgment dated 19 August 2019 of this Court in Crl. A. 1256/2014 filed by the respondent, on the basis of which the respondent has been acquitted:

“The submissions advanced by both the sides have been duly considered in light of the evidence on record and decisions cited and thereafter, this Court finds that the instant case is not a typical trap case. In this background, the evidence of independent witness Baldev Khera (PW-2) assumes importance. After having scrutinized his evidence and the evidence of S.B.Sinha, Trap Laying Officer (PW-6) and the remaining prosecution evidence, I



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find inherent contradictions inter se the evidence of material witnesses. In a trap case, like the instant one, the prosecution ought to have got the videography of the trap proceedings done, so that the contradictions in the oral deposition of witnesses do not prove fatal to the prosecution case. More importantly, trial court has erred in solely relying upon the prosecution evidence and in discarding otherwise probable defence version. Upon considering the prosecution case as well as the defence version in its entirety, this Court is of the considered opinion that the ingredients of the offence alleged and recovery of bribe money (not powdered) does not stand conclusively proved. Hence, benefit of reasonable doubt accrues to the appellants, as they have explained their presence at the spot by cogent evidence. It is settled legal position that mere recovery of the bribe money by itself, is not sufficient to prove the charge against an accused. In the absence of direct reliable evidence regarding demand and acceptance of bribe money, the conviction of appellants cannot be sustained.”

Consequently, the impugned judgment and order on sentence are hereby set aside and appellants are acquitted of the charges framed against them, while extending the benefit of doubt to them.”

7. The order passed by the Supreme Court in the SLP(Criminal) D 21648/2020 reads thus:

“There is an inordinate delay in filing the Special Leave Petitions for which no sufficient cause has been shown by the learned counsel for the petitioner. *Even otherwise, there is no merit in the petitions.*

Therefore, the Special Leave Petitions are dismissed both on the ground of delay as also on merit.

Pending application(s), if any, shall stand disposed of.”

(Emphasis supplied)

8. In view of the allowing of his appeal by this Court, the respondent approached the petitioners for a recall of the decision to dismiss him from service. A representation to that effect was made by the respondent on 19 February 2024. As the representation was not disposed of, the respondent moved the Tribunal by way of OA



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3092/2024. By order dated 19 November 2024, the Tribunal disposed of the OA with a direction to the petitioners to dispose of the respondent's representation.

9. The respondent's representation was rejected by the petitioners by order dated 18 March 2025. The reasoning contained in para 10 of the said order reads thus:

"10. Now whereas this office, in compliance to Hon'ble CAT, New Delhi order dated 19.11.2024 has examined the representation dated. 19.2.2024 of Sh. Suresh Kumar Bhatia, Ex-JE (C) in accordance with the relevant rules and instructions and decided that:-

(i) as per para 4.3(v) (c) of DOPT OM dated 29.11.2022, envisage that "an acquittal on technical grounds or where a benefit of doubt has been given to the accused will have no effect on a penalty imposed under CCS(CCA) Rules, 1965, as while in a criminal trial the charge has to be proved beyond reasonable doubt, in the departmental inquiry the standard of evidence is preponderance of probability. There will be no effect on the penalty of "Dismissal" imposed by the Disciplinary Authority under Rule 19(1) of CCS(CCA) Rules 1965.

(ii) as per FR 54-A 2(1) "Where the dismissal, removal or compulsory retirement of a government servant is set aside by the court solely on the ground of non-compliance with the requirements of clause (1) or clause(2) of Article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of Rule 54, be paid such amount(not being whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority, may determine, after giving notice to the government servant of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice".



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Therefore, Sh. S.K.Bhatia, Ex-JE(C) is not entitled for any benefits which he has sought vide his representation dated 19.2.2024 as he has not been fully exonerated by the Hon'ble High Court, he has been acquitted by giving the benefit of doubt. However, the subsistence allowance as admissible during suspension has already been paid to Sh. Bhatia."

10. Aggrieved by the decision to reject his representation, the respondent re-approached the Tribunal by way of OA 2223/2025. By order dated 3 March 2026, the Tribunal has allowed the said OA.

11. The reasoning of the Tribunal is contained in the following paragraphs:

"8. Admittedly, the applicant's dismissal is based on his conviction in the above criminal case. Therefore, once the conviction is set aside, the dismissal has to go. Moreover, in this regard, we may draw support from the order/judgment dated 18.05.2001 of the Hon'ble Gauhati High Court at Agartala Bench in the case of **Bidhan Chandra Dey versus State of Tripura and Ors.**, Civil Appeal No. 553/1996 reported in (2001) Gauhati Law Reports 186, particularly paragraph 8 wherein the Hon'ble High Court has ruled as under :-

8. When an employee is dismissed from service consequent upon his conviction in a criminal case, he is entitled to be re-instated in service on his acquittal from the said criminal charge in criminal appeal, and the authority has no right to deny the re-instatement. In case the authority/department contemplates to take any further action within the permissibility of law, it could only be done after reinstatement, but unfortunately in the present case, despite the authorities have been apprised of the fact of acquittal of the petitioner supported by documentary evidence, the authorities particularly the Commandant sat idle nor even attended the representation filed by the petitioner."

9. Further, our said view is also strengthened by the judgment dated 14.07.2022 of the Hon'ble High Court of Delhi in LPA No. 174/2022 titled **Jahan Singh versus Tribal Cooperative Marketing Development Federation of India Ltd. (TRIFED)** wherein the Hon'ble High Court has ruled in paragraphs 10 to 18 as under:

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“10. The undisputed facts of the case make it very clear that the judgement of conviction was set aside by this Court, and there is no finding arrived at by this Court in criminal appeal that the acquittal is a technical or honourable in nature. Even otherwise, *the relevant statutory provisions as contained under CCS(CCA) Rules, 1965, reads as under:*

"Notwithstanding anything contained in rule 14 to rule 18-

(i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Government servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause(i):

Provided that the Commission shall be consulted, where such consultation is necessary, and the Government servant has been given an opportunity of representing against the advice of the Commission, within the time limit specified in clause (b) of subrule (3) of rule 15, before any orders are made In any case under this rule. "

11. Rule 19 of the Rules, 1965 provides for dismissal from service without holding an inquiry, in case a Government Servant is convicted, and Rule 19 of the Rules, 1965 does not provide for any distinction between a technical/ honourable, or one



on account of benefit of doubt.

12. Rule 19(5) of the Rules, 1965 simply mentions the word 'acquittal'. It is true that Rule 19(5) of the Rules, 1965 empowers the department to hold a departmental enquiry despite an acquittal. However, in the present case, the employer has decided not to hold a departmental enquiry for reasons best known to them, and, therefore, reinstatement of the appellant has become inevitable.

13. Learned counsel for the respondent/ Union of India has vehemently placed reliance upon the judgements delivered in **Krishnakant Raghtutath Bibhavnekar v. State of Maharashtra and Ors.**³, and **T.N. cs. Corpn. Ltd v. K. Meerabhai**⁴.

14. The aforesaid judgements have also been relied upon by the Learned Single Judge in the impugned judgement.

15. The judgements relied upon by learned Single Judge are distinguishable on facts. The present case is not a case where the employee is seeking employment in Government service. It is certainly not a case where an employee has made some incorrect statement in the police verification form. It is certainly not a case where a person who is seeking Government job, was subjected to trial and was later on acquitted.

16. On the contrary, the present case pertains to a Government servant - who while being in service, was dismissed on account of conviction and later sought reinstatement, on account of his acquittal.

17. Therefore, in the considered opinion of this Court, the judgement delivered by the learned Single Judge deserve to be set aside, and is, accordingly set aside. The respondents are directed to reinstate the appellant in service forthwith.

18. The respondents, after reinstating appellant shall be free to pass appropriate orders keeping in view the fundamental rules in respect of his claim

³ 1997 (3) SCC 636

⁴ (2006) 2 SCC 255



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relating to wages for the period during which he was out of service. The exercise of passing a speaking order in respect of the claims of the appellant, relating to back wages be concluded within a period of three months from the date of receiving of certified copy of this order."

10. In view of the aforesaid, the O.A. deserves to be allowed and is accordingly, allowed with the following directions:-

- i. The impugned orders dated 17.12.2014 and 18.03.2025 are quashed and set aside.
- ii. The respondents shall reinstate the applicant in service from the date of his dismissal.
- iii. The respondents, after reinstating the applicant, shall be free to pass appropriate order(s) keeping in view the relevant rules in respect of his claim relating to the entitlement for the wages and other benefits for the period during which he was out of service, by passing a reasoned and speaking order as expeditiously as possible and preferably within eight weeks from the date of receipt of a certified copy of this order."

12. The Union of India has now approached this Court by means of the present writ petition challenging the aforesaid judgment dated 3 March 2026 of the Tribunal.

13. We have heard Mr. Manish Kumar, learned SPC for the petitioners.

14. Mr. Manish Kumar submits that, as the respondent had been acquitted on benefit of doubt, the Tribunal erred in reinstating him in service.

15. We have considered the submission. We are unable to agree with Mr. Manish Kumar that the acquittal has to be treated as one of



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benefit of doubt.

16. It is well settled that in examining whether the acquittal of the office is on benefits of doubt or on merits, the court cannot be swayed by the expression used by the Court. The Supreme Court has held in ***Ram Lal v. State of Rajasthan***⁵, that expressions such as “benefits of doubts” and “beyond reasonable doubt” are not magic incantations and that the Court has to examine the substance of the acquittal to come to a conclusion as to whether it was on merits or merely by extending the benefit of doubt.

17. In the present case, we find that this Court, while acquitting the respondent, has specifically held that (i) there were inherent contradictions in the evidence of prosecution witnesses, (ii) the defence version was probable and had been wrongly rejected by the learned Trial Court, (iii) the ingredients of the offence and recovery of bribe money had not been conclusively proved, (iv) the respondent had explained his presence at the spot of recovery by cogent evidence and (v) there was no direct reliable evidence regarding demand and acceptance of bribe money.

18. These findings, to our mind, amount to clean acquittal of the respondent, and we cannot accept the submission that the acquittal is merely on benefit of doubt.

19. The law with regard to continuance of an order of dismissal from service after the officer who was dismissed has been acquitted of



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the charges against him stands settled by the Supreme Court in the judgments *G.M. Tank v. State of Gujarat*⁶ and *Maharana Pratap Singh v. State of Bihar*⁷. We may reproduce, for ready reference, the following paragraphs from the said decisions:

G.M. Tank

“20. It is thus seen that this is a case of no evidence. There is no iota of evidence against the appellant to hold that the appellant is guilty of having illegally accumulated excess income by way of gratification. The respondent failed to prove the charges levelled against the appellant. It is not in dispute that the appellant being a public servant used to submit his yearly property return relating to his movable and immovable property and the appellant has also submitted his return in the year 1975 showing his entire movable and immovable assets. No query whatsoever was ever raised about the movable and immovable assets of the appellant. In fact, the respondent did not produce any evidence in support of and/or about the alleged charges levelled against the appellant. Likewise, the criminal proceedings were initiated against the appellant for the alleged charges punishable under the provisions of the PC Act on the same set of facts and evidence. It was submitted that the departmental proceedings and the criminal case are based on identical and similar (verbatim) set of facts and evidence. The appellant has been honourably acquitted by the competent court on the same set of facts, evidence and witness and, therefore, the dismissal order based on the same set of facts and evidence on the departmental side is liable to be set aside in the interest of justice.

27. In *Ajit Kumar Nag v. G.M. (PJ), Indian Oil Corpn. Ltd*⁸, this Court in para 11 held as under:

“11. As far as acquittal of the appellant by a criminal court is concerned, in our opinion, the said order does not preclude the Corporation from taking an action if it is otherwise permissible. In our judgment, the law is fairly well settled. Acquittal by a criminal court would not debar an employer from exercising power in accordance with the Rules and Regulations in force. The two proceedings,

⁵ (2024) 1 SCC 175

⁶ (2006) 5 SCC 446

⁷ 2025 SCC OnLine SC 890

⁸ (2005) 7 SCC 764



criminal and departmental, are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on the offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused 'beyond reasonable doubt', he cannot be convicted by a court of law. In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of 'preponderance of probability'. Acquittal of the appellant by a Judicial Magistrate, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the Corporation. We are, therefore, unable to uphold the contention of the appellant that since he was acquitted by a criminal court, the impugned order dismissing him from service deserves to be quashed and set aside."

Maharana Pratap Singh

"47. While an acquittal in a criminal case does not automatically entitle the accused to have an order of setting aside of his dismissal from public service following disciplinary proceedings, it is well-established that when the charges, evidence, witnesses, and circumstances in both the departmental inquiry and the criminal proceedings are identical or substantially similar, the situation assumes a different context. In such cases, upholding the findings in the disciplinary proceedings would be unjust, unfair, and oppressive. This is a position settled by the decision in **G. M. Tank (supra)**, since reinforced by a decision of recent origin in **Ram Lal v. State of Rajasthan**."

20. In that view of the matter, we are of the opinion that the Tribunal is correct in the view that it has taken, and that no cause to interfere, within the limited scope of jurisdiction which vests in us



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under Article 226 of the Constitution of India, exists.

21. We have to remind ourselves that we are not sitting in appeal over the decision of the Tribunal but exercising *certiorari* jurisdiction.

22. Within the peripheries of such jurisdiction, no case for interference is made out.

23. The writ petition is accordingly dismissed in *limine*.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 25, 2026/dsn