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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of order: 20th November, 2023**
+ **W.P.(C) 14936/2023 and CM APPL. Nos. 59584/2023 & 59585/2023**

KANNUPRIYA BHARADWAJ Petitioner
Through: **Mr.Krishan Kumar Sharma, Advocate**

versus

UNION OF INDIA & ORS. Respondents
Through: **Nemo**

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. The petitioner vide the present petition under Article 226 of the Constitution of India, seeks the following reliefs:

“(a) Issue a writ of certiorari or any other appropriate writ, order or direction for the speedy investigation against DK Singla for the fraud committed by him.

(b) Issue a writ of certiorari or any other appropriate writ, order or direction for getting information regarding any record found on petitioner's name for the appointment in railways and also getting information regarding the salary DK Singla has fraudulently taken from government on petitioner's name.

(c) Issue a writ of mandamus or any other appropriate



writ, order or direction, to the respondents to file a status report regarding the departmental investigation going on against the DK Singla.

(d) Grant any other relief, which this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. The relevant facts necessary for the adjudication of the instant petition are as follows:

- a) It is alleged by the petitioner that one Mr. DK Singla along with Mr. Rahul Bharadwaj (Ex-husband of the petitioner) met petitioner on 16th March 2014, where Mr. DK Singla took all her education documents, Pan card, Aadhar card and got some blank papers signed from the petitioner for the purpose of her job.
- b) The petitioner received an appointment letter dated 18th December 2014, from Mr. DK Singla which enunciated that the petitioner has been appointed at the position of Telephone Attendant & Dak Carrier (hereinafter “TADK”) in the railways.
- c) The petitioner went to Ambala with her father-in-law for the paperwork for the job whereby, Mr. DK Singla opened a bank account and issued the ATM card to the petitioner.
- d) The petitioner filed a complaint against the Mr. DK Singla, (Deputy Chief Material Manager) posted in the Northern Railways Baroda House stating that he had raised a demand of Rs. 5 lacs for getting her a job in the railways as TADK.
- e) The petitioner made a complaint of the same to the Prime Minister



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of India, and the copy of the same was also sent to Railway Ministry, Store Controller Subedar Ganj, Assistant Engineer Electrifications Cantonment Ambala, SSP Kurukshetra, Railway Vigilance New Delhi & SSP Ghaziabad.

- f) Vigilance Office Subedar Ganj Prayag Raj sent a letter dated 27th August 2021 to the petitioner to join the investigation regarding the complaint made by the petitioner. The petitioner could not join the investigation and again received the letter on 18th October 2021, to join the investigation with regard to the fraud committed by Mr. D.K. Singla.
- g) After the second letter the petitioner joined the investigation and handed over all the relevant documents to the assigned officer. Thereafter, the petitioner again wrote a letter to the officer for expedition of the Inquiry on 18th May 2022.
- h) The petitioner then received a notice from Central Vigilance Officer for appearing before him at IRCOT Building, Shivaji Bridge behind Shankar Market, New Delhi on 1st July 2022, at 11:00 am. Accordingly, the petitioner appeared and again handed over all the documents in her possession.
- i) Subsequently, the petitioner received a letter from Central Vigilance Commission, stating that the opinion received from FSL about the forge & fabricated signature has been sent to the Railway Board for further action on 30th June 2023.
- j) The petitioner did not get any response from the Vigilance Officer,



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about the inquiry pending against Mr. DK Singla. In return to that, the petitioner wrote a letter to the railway minister Ashwani Vaishnav for expediting the pending inquiry against Mr. DK Singla. Being aggrieved by the non-response from various government authorities, the petitioner has preferred the instant revision petition.

3. Learned counsel appearing on behalf of the petitioner submitted that she got a paper showing that she was cheated by Mr. DK Singla without her knowledge regarding her appointment in the railways.
4. It is submitted that Mr. DK Singla had wrongly asked a sum of Rs. 5,00,000/-, for the job in front of her father-in-law and father on their visit to Ambala to get the paperwork done for the job.
5. It is contended that Mr. DK Singla had informed that the petitioner will not get her appointment letter if she does not pay the said amount. As, the petitioner was not capable to pay Mr. DK Singla, he kept the petitioner's passbook, ATM Card and all other documents.
6. It is further contended that the department inquiry is pending against Mr. DK Singla and all the relevant documents have been handed over by the petitioner to the Railway Board on 26th April 2023, and almost 5 months have elapsed till date and no action has been taken against Mr. DK Singla by the concerned authority.
7. It is submitted that the complaint was made in the year 2017, against Mr. DK Singla by the petitioner but no action has been taken against him since past 6 years.



8. It is further submitted that Mr. DK Singla is a repeated offender and he has also been punished several times by the department for similar fraudulent actions.

9. In view of the foregoing reasons, it is prayed that the petition may be allowed and the reliefs as prayed by the petitioner may be granted.

10. Heard the learned counsel for the petitioner and perused the records.

11. It is the case of the petitioner that the disciplinary proceedings against Mr. D.K Singla be expedited as there has been a considerable delay of 6 years committed by the authorities in conducting the investigation against him. Moreover, the relevant documents pertaining to the disciplinary enquiry have been already handed over to the concerned authority 5 months ago, on 26th April 2023.

12. Before delving into the merits of the case, it is important to delve into the scope of the writ Courts in directing the executive authority for a speedy investigation into a matter.

13. Under Article 226 of the Constitution of India, this Court has a very limited power to intervene into the working of the executive. The High Courts under its writ jurisdiction shall not intervene with the working of the executive unless there is a prejudice caused to any party by the executive authority or the executive authority is not acting as per the mandate of a particular statute.

14. In matter regarding the prolongation of the disciplinary proceedings, High Courts under its extraordinary jurisdiction will look into the facts and circumstances of each case. If the High Court is of the view that the



intervention of the Court is required for expediting the proceedings, it may direct accordingly. Hence, there is no settled law regarding the circumstances under which the Court may direct for expediting the proceedings, and hence the Court looks into the peculiar facts of every case.

15. The Hon'ble Supreme Court dealt with the issue regarding expediting the process of disciplinary proceedings recently in the judgment **Anant R. Kulkarni v. Y.P. Education Society, (2013) 6 SCC 515**, and held as follows:

“14. The court/tribunal should not generally set aside the departmental enquiry, and quash the charges on the ground of delay in initiation of disciplinary proceedings, as such a power is de hors the limits of judicial review. In the event that the court/tribunal exercises such power, it exceeds its power of judicial review at the very threshold. Therefore, a charge-sheet or show-cause notice, issued in the course of disciplinary proceedings, cannot ordinarily be quashed by the court. The same principle is applicable in relation to there being a delay in conclusion of disciplinary proceedings. The facts and circumstances of the case in question must be carefully examined taking into consideration the gravity/magnitude of the charges involved therein. The court has to consider the seriousness and magnitude of the charges and while doing so the court must weigh all the facts, both for and against the delinquent officers and come to the conclusion which is just and proper considering the circumstances involved. The essence of the matter is that the court must take into consideration all relevant facts, and balance and weigh the same, so as to determine, if it is in fact in the interest of clean and honest administration that the said proceedings are allowed to be terminated only on the ground of delay in their conclusion. (Vide State of U.P. v. Brahm Datt Sharma [(1987) 2 SCC 179 : (1987) 3 ATC 319 : AIR 1987 SC 943] , State of M.P. v. Bani Singh [1990 Supp SCC 738 : 1991 SCC (L&S) 638 : (1991) 16 ATC 514 : AIR 1990 SC 1308] , State of Punjab v. Chaman Lal Goyal [(1995) 2 SCC 570 : 1995 SCC (L&S) 541 : (1995) 29 ATC 546] , State of A.P. v. N. Radhakishan [(1998) 4 SCC 154 : 1998 SCC



(L&S) 1044 : AIR 1998 SC 1833] , M.V. Bijlani v. Union of India [(2006) 5 SCC 88 : 2006 SCC (L&S) 919 : AIR 2006 SC 3475] , Union of India v. Kunisetty Satyanarayana [(2006) 12 SCC 28 : (2007) 2 SCC (L&S) 304 : AIR 2007 SC 906] , Ministry of Defence v. Prabhash Chandra Mirdha [(2012) 11 SCC 565 : (2013) 1 SCC (L&S) 121 : AIR 2012 SC 2250] and LIC v. A. Masilamani [(2013) 6 SCC 530 : JT (2012) 11 SC 533] .)”

16. In the case of **State of A.P. v. N. Radhakishan, (1998) 4 SCC 154**, the Hon’ble Supreme Court has further delved into the aspect of whether the Court under its writ jurisdiction can issue direction for expediting the disciplinary proceedings and observed as follows:

“19. It is not possible to lay down any predetermined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground the disciplinary proceedings are to be terminated each case has to be examined on the facts and circumstances in that case. The essence of that matter is that the court has to take into consideration all the relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when the delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings initiated against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether the delay has vitiated the disciplinary proceedings the court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much the disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted



with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take their course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations.”

17. In view of the aforementioned judgments, it is a deliberated that the Courts under its writ jurisdiction shall not intervene with the disciplinary proceedings unless the same is being conducted in an illegal manner, the delay caused in conducting the disciplinary proceedings is such that it is causing prejudice to the right of the delinquent officer or any other stakeholder, etc. The Court has to act as per the facts and circumstances of each case.

18. In the present petition, the petitioner has alleged that the enquiry against one Mr. D.K Singhla is pending for almost 6 years. Moreover, she has supplied the relevant documents to the concerned authority for the purpose of the said enquiry almost 5 months ago and there has been no action taken against Mr. D.K Singhla.

19. This Court is of the view that in the instant matter, no such circumstances are being brought before this Court which warrants the interference of this Court. Hence, this Court cannot by way of issuance of a writ direct the expedition of the process of the departmental enquiry since the executive authority has been vested with the jurisdiction to deal with the same.



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20. In light of the above facts and circumstance, it is held that there is no force in the contentions advanced by the petitioner and accordingly, the instant petition is dismissed being devoid any merits.
21. Pending applications, if any, also stand dismissed.
22. The order be uploaded on the website forthwith.

CHANDRA DHARI SINGH, J

NOVEMBER 20, 2023
SV/DB/RYP

[Click here to check corrigendum, if any](#)