



2025:DHC:9764-DB



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 09.10.2025

Pronounced on: 10.11.2025

+ W.P.(C) 2906/2021 & CM APPL. 8740/2021, CM APPL. 51754/2022

GOVT OF NCT OF DELHI & ANR.Petitioners

Through: Mrs.Avnish Ahlawat, SC for
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam and
Mr.Mohnish Sehrawat, Adv.

versus

SMT INDRA RANI SAGARRespondent

Through: Mr.A. K. Trivedi and Mr.Dhruv
Kothari, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

NAVIN CHAWLA, J.

1. This petition has been filed by the petitioners, challenging the Order dated 28.01.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1817/2020, titled *Smt. Indra Rani Sagar v. Government of NCT of Delhi & Anr.*, whereby the said O.A. filed by the respondent herein was allowed with the following directions:

"19. The O.A. is, therefore, allowed and the impugned order is set aside. The disciplinary proceedings shall be commenced from the



stage of inquiry, duly changing the IO. In case the applicant was under suspension by the time the impugned order was passed, she shall remain under suspension. If, on the other hand, she was not under suspension, she shall be forthwith reinstated and it shall be open to the respondents to post her at any place/post of their choice. The manner in which the period between the order of compulsory retirement and the date of reinstatement must be treated, shall depend upon the outcome of the disciplinary proceedings, which in turn, shall be concluded within six months from the date of receipt of copy of this order.”

FACTS OF THE CASE:

2. The brief facts giving rise to the present petition are that the respondent joined the services of the petitioners as a Junior Stenographer on 13.09.1983. She was subsequently promoted to the post of Head Clerk, and thereafter to the post of *ad-hoc* DANICS/Administrative Officer at the Ambedkar Institute of Technology.
3. During the respondent's tenure as an *ad-hoc* DANICS/Administrative Officer, the petitioners issued a Charge Memorandum No. F.3/02/2014/DOV/3092 dated 22.02.2017, proposing to hold an inquiry against her under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [hereinafter referred to as the 'CCS (CCA) Rules']. The Charge Memorandum alleged gross misconduct, lack of integrity, and lack of devotion to duty, inasmuch as, while functioning as Grade-I (DASS)/AVATO, Ward No.-4, in the Trade & Taxes Department, Government of NCT of Delhi, in



the year 2012, the respondent had issued a large number of refund orders without verifying the credentials or operational status of the dealer, that is, M/s Satnam Impex, whose Registration Certificate had already been cancelled. As a result of the respondent's lapse, a substantial financial loss was caused to the petitioners.

4. In response to the Charge Memorandum, the respondent, *vide* representation dated 27.03.2017, sought the supply of the relied upon documents, and subsequently submitted a representation dated 16.05.2017, denying the allegations made against her. However, an inquiry was initiated against her on 04.07.2017.

5. On 20.07.2017, the respondent appeared before the Inquiry Officer (in short, 'I.O.') along with her Defence Assistant, an Advocate. However, the participation of the said Advocate was not permitted, and her request for a short adjournment to appoint another Defence Assistant was also rejected.

6. Subsequently, the I.O. held the charges to be proved, on the basis of an admission letter dated 20.07.2017 purportedly written by the respondent, wherein she is stated to have admitted the charges levelled against her.

7. The respondent claimed that the Inquiry Report was not furnished to her until 11.09.2017. Upon receipt of the said report, she submitted a representation dated 25.09.2017, asserting that the admission purportedly made by her was not voluntary but was obtained under threat and coercion by the I.O..

8. The Disciplinary Authority, by Order dated 16.11.2017, imposed upon the respondent the penalty of compulsory retirement and



directed recovery of a sum of Rs.56,43,194/-, being the loss sustained by the petitioners on account of the respondent's misconduct. An appeal was preferred by the respondent against this penalty order; however, the Appellate Authority rejected the same on the basis of the respondent's admission to the Charge and held that there was no case of miscarriage of justice to merit intervention.

9. The respondent further claimed that despite her compulsory retirement, no pensionary or retirement benefits, including General Provident Fund (GPF) and provisional pension, were released to her for nearly three years.

10. Aggrieved by the said Orders passed by the Disciplinary Authority and the Appellate Authorities, the respondent filed the above O.A., challenging the penalty imposed and seeking reinstatement in service with all consequential benefits.

11. It was the case of the respondent that no proper Departmental Inquiry had been conducted against her, and that the charges were confirmed by the Disciplinary Authority solely on the basis of an admission note, which had been typed under the dictation of the Inquiry Officer and signed by her under coercion.

12. The learned Tribunal observed that it is highly unusual for an employee to admit the charges framed against him or her, instead of submitting a representation to the Disciplinary Authority. The learned Tribunal also took note of the fact that, in the instant case, at two stages before making the alleged admission, the respondent had categorically denied the charges levelled against her. Accordingly, the learned Tribunal allowed the said O.A., holding as under:



“15. The applicant was not an illiterate or a lower category employee, so that the IO has taken upon himself to draft the letter on behalf of the employee. Even where an employee, who is issued a minor penalty charge memo, intends to admit the charge, the language would not be of this nature. An allegation about illegal refund does not require “frank admission”. The IO has completely misdirected himself, as well as the proceedings. Either it was a case of lack of experience or of exhibition of high handedness, on his part.

16. Once the applicant denied the charges before him, through a written communication on 04.07.2017, the next step for the IO was to require the presenting officer to adduce his evidence, be it oral or documentary. The applicant would have been entitled to cross examine the witnesses. The occasion for her to speak independently would have arisen only when the presenting officer has closed his evidence. The inevitable conclusion is that the IO completely misdirected the proceedings and acted with more vengeance, than the DA. We are of the clear view that the IO did not befit the office assigned to him.

17. The DA ought to have ignored the report and directed the inquiry by appointing another IO. It is a clear case of miscarriage of justice and violation of prescribed procedure. We are not making observations about the charges framed against the applicant. The truth or otherwise thereof would come out, if only an independent and impartial inquiry is conducted, and a report is submitted by the IO.”

13. Aggrieved by the above decision of the learned Tribunal, whereby the petitioners were directed to initiate fresh disciplinary proceedings against the respondent, the petitioners have filed the



present writ petition challenging the Impugned Order passed by the learned Tribunal.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS:

14. It is submitted by the learned counsel for the petitioners that the allegations levelled by the respondent regarding the conduct of the Inquiry were categorically dealt with by the Disciplinary Authority. It was observed by the Authority that the respondent had issued 24 refund orders amounting to Rs.56,43,194/- within a span of four days in favour of M/s Satnam Impex. The respondent had acted in a casual manner and processed the refund orders without verifying the credentials of the firm, thereby causing substantial financial loss to the petitioners. Further, as observed by the Disciplinary Authority, the respondent had also failed to produce adequate corroborative evidence or material facts to refute the charges framed against her. She submitted that, considering the above observations made by the Disciplinary Authority and viewing the respondent's admission of guilt, the penalty was rightly imposed upon her.

15. The learned counsel submitted that the respondent, being a Gazetted Officer, would have understood the gravity of the charges levelled against her and would not have signed the admission of guilt only on the advice of the I.O.. The learned counsel further submitted that the respondent did not make any complaint to the Disciplinary Authority or to any other superior officer alleging coercion or duress at the time of signing the admission note. The representation disputing the



said admission was submitted only after the imposition of the penalty by the Disciplinary Authority. Moreover, after signing the admission note, the respondent failed to appear before the I.O. on the subsequent date of hearing, which had been fixed in her presence.

16. The learned counsel placed reliance upon the Judgment of the Supreme Court in *Manoj H. Mishra v. Union of India & Ors.*, (2013) 6 SCC 313, wherein it was held that a party cannot be allowed to resile from the admission made before the I.O., after the plea to re-open the inquiry has been rejected by the Appellate Authority.

17. The learned counsel, therefore, submitted that the penalty was rightly imposed upon the respondent in accordance with due procedure, and the same is not liable to be set aside.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENT:

18. The learned counsel for the respondent denied the charges levelled against the respondent, contending that the lapse occurred due to the non-receipt of information regarding the cancellation of the Registration Certificate of the dealer.

19. The learned counsel for the respondent submitted that the Charge Memo was issued to the respondent on 22.02.2017. Accordingly, she submitted a representation dated 16.05.2017, denying the charges levelled against her. Subsequently, on 04.07.2017, the respondent, for the second time, denied the charges levelled against her. On this basis, it was submitted that the respondent had no reason to admit the charges before the I.O., after declining them twice.



20. The learned counsel for the respondent further submitted that the respondent was compelled to sign the so-called admission of guilt, which was allegedly drafted by the I.O. himself. The said admission was signed by the respondent without going through its contents, based on false assurances that she would be exonerated from the charges. It was further submitted that the inquiry was concluded, and the report holding the charges as proved was prepared solely on the basis of this alleged admission without any discussion of the evidence on record.

21. The learned counsel placed reliance on the Judgment of this Court in *Union of India & Ors. v. Sangeeta Singh*, 2020 SCC OnLine Del 2064, wherein a handwritten apology and an admission of guilt were the sole basis on which the Inquiry Report was submitted. The Court had observed that the employee would never have tendered such an apology had she been aware of the consequences that would follow. The court held as under:

“12. The record shows that the respondent had admitted her guilt and tendered a hand-written apology, which was the sole basis on which the Inquiry Report was submitted. It does not require much to appreciate that the respondent would never have tendered such apology, had she known that serious consequences would follow. This lends credence to the respondent's stand that she had been assured of some minor punishment, if she admitted her guilt. Even otherwise, no prejudice would be caused to the petitioner if they hold a fresh inquiry in terms of the order of the Tribunal, especially when the respondent has about 10 more years of service remaining. On the other hand, serious prejudice would be caused to the respondent's rights if the extremely harsh punishment is upheld merely on a supposedly voluntary admission of guilt.”



22. It is further submitted that the respondent became aware of the contents of the admission letter only on 01.09.2017, when the I.O. report was supplied to her. Subsequently, she preferred a detailed representation dated 25.09.2017, which was not considered by the Disciplinary Authority before imposing the harsh penalty of Compulsory retirement along with recovery.

23. The learned counsel for the respondent also submitted that the inquiry was conducted in gross violation of Rule 14 of the CCS(CCA) Rules, as the penalty was imposed on her without following due procedure and without examining any witnesses. In view of this, serious prejudice was caused to the respondent.

24. The learned counsel further submitted that no prejudice would be caused to the petitioners if fresh Disciplinary Proceedings are conducted in terms of the Order of the learned Tribunal. In this regard, the learned counsel placed reliance on the Judgment of the Supreme Court in *Jagdish Prasad Saxena v. State of Madhya Bharat (Now Madhya Pradesh)*, 1960 SCC OnLine SC 68, wherein a formal inquiry was not conducted on the strength of an admission of guilt. The Supreme Court held that it was doubtful if removal from service could be done on the basis of alleged admissions, without holding a formal inquiry.

ANALYSIS AND FINDINGS:

25. We have considered the submissions made by the learned counsels for the parties.



26. Though certain submissions have also been made by the counsels regarding the allegations on the basis of which the Departmental Inquiry was initiated against the respondent and the punishment imposed, for the view we are taking, it is not necessary to discuss the same in this Judgment.

27. From the observations of the learned Tribunal in the Impugned Order reproduced hereinabove, it is evident that the learned Tribunal set aside the Orders passed by the Disciplinary Authority and the Appellate Authority on the ground that the I.O. had based the Inquiry Report solely on the alleged admission of guilt by the respondent. The learned Tribunal observed that such an admission could not have been relied upon in the absence of any independent evidence led by the Department to prove the charges.

28. The learned counsel for the petitioners submitted that the respondent had not only submitted a written acknowledgment of the charges before the I.O. but had also signed the Order Sheet in which the I.O. made a detailed note of the same. It was submitted that the respondent, being an educated lady holding a senior position, would have immediately protested had the admission been obtained under coercion or threat. However, the respondent raised no such protest until she submitted her representation against the notice issued by the Disciplinary Authority post the submission of the Inquiry Report. It was, therefore, contended that the allegation of the acknowledgment of guilt having been obtained under coercion or undue influence was false and concocted subsequently by the respondent.

29. We are unable to accept the above plea of the learned counsel



for the petitioners.

30. In the present case, the fact remains that the respondent had denied her guilt in her representation made during the preliminary inquiry and even thereafter, in response to the Memorandum dated 12.11.2013 issued to her, calling upon her to explain why disciplinary proceedings should not be initiated against her. She also appeared before the I.O. on 27.03.2017 and requested copies of the listed documents. Subsequently, on 04.07.2017, she submitted another representation denying the charges.

31. On 20.07.2017, when she is alleged to have voluntarily admitted the charges, the respondent had, in fact, appeared along with an Advocate and requested that he be permitted to represent her as a Defence Assistant. This request was denied by the I.O., and, curiously, on the very same day, faced with this denial, she is alleged to have voluntarily written a letter acknowledging her guilt to the charges. This sequence of events appears to be highly unnatural.

32. The so-called admission of guilt is also interesting to note and is reproduced herein below:

“Sub: Disciplinary Proceedings against the undersigned Indra Rani Sagar presently posted as Administrative Officer in the Directorate of Training & Technical Education

Sir,

(i) I have been served charge sheet vide memo No. F.3/02/2014/DOV/3092 dated 22.02.2017.

(ii) I appeared before the enquiry officer 04.07.2017. I could not be present earlier because of late receipt of the charge sheet.

(iii) That on 04.07.2017, I submitted an



application denying the charges to the enquiry officer.

(iv) That on the said that I was given copies of listed documents by Presenting officer before the Enquiry officer.

(v) That I sought time to check the document and also to arrange someone to act as my defence Asstt. The case was adjourned for 20.07.2017 at 2:30 P.M.

(vi) Today I appeared before the Enquiry Officer at the fixed time. Presenting Officer Sh. Mankotia were also present.

*(vii) **During the course of hearing, I stated that I could not arrange any officer to act as my defence Asstt. Further even the documents could not be checked.***

(viii) That during this period I have carefully considered the whole matter and without any pressure, I frankly admit the two articles of charges contained in the charge sheet unconditionally.

(ix) That my earlier application dated 04.07.2017 denying the charges may be treated as null and void and withdrawn."

(Emphasis supplied)

33. The above statement appears to be inconsistent with the overall conduct of the respondent.

34. In the Order Sheet of the said date, the I.O. reproduced the contents of the above letter of the respondent and called upon the Presenting Officer to submit his brief, if any, on the next date. Interestingly, the Order Sheet does not record that the respondent was informed of the consequences of her admission, nor does it record that the alleged admission was made voluntarily and without any coercion or undue influence. In fact, the Order Sheet notes that the respondent had stated that, despite her efforts, she was unable to arrange for any



officer to act as her Defence Assistant, nor had she been able to examine the documents supplied to her.

35. In our view, in the above facts, the I.O. should, in fact, have granted time to the respondent to arrange for a Defence Assistant, who would have then advised her if she needed to admit to the charges or file a representation and defend the charges or to admit the same after understanding the consequences of the same.

36. The respondent, at the very first opportunity after this alleged admission, in response to the Show-Cause Notice issued by the Disciplinary Authority, stated that the admission was made by her under the circumstances where the I.O. not only threatened her, but later also represented to her that she would be let off with a minor punishment in case she admitted her guilt.

37. In similar circumstances, this Court in *Sangeeta Singh* (supra), held that the respondent would have never tendered such an admission had she known that serious consequences would follow, and this itself lends credence to the stand of the respondent that she had been assured of some minor punishment if she admitted her guilt. The Court further held that no prejudice would be caused to the Department if it were to hold a fresh inquiry in terms of the Order of the learned Tribunal.

38. In the present case, the alleged admission of guilt by the respondent was made on 20.07.2017, after she had repeatedly denied her guilt. Further, as noted hereinabove, the respondent had made categorical allegations regarding the circumstances in which the letter of admission had been obtained from her. The said representation had



been made only two months after the alleged admission. Therefore, it was not as if a substantial period had passed and re-opening the inquiry would have led to any prejudice to the petitioners. The prudent course for the Disciplinary Authority in such circumstances was, therefore, to remand the matter back to the I.O. for conducting a proper inquiry.

39. Article 311 (2) of the Constitution of India provides that a person employed under the Union or a State shall not be dismissed without conducting an inquiry in which he or she is given a reasonable opportunity to defend himself or herself, and that any penalty imposed must be based on evidence adduced during such inquiry. This constitutional safeguard cannot be diluted or denied merely on the basis of an alleged admission of guilt by a delinquent employee, especially when such admission is shrouded in suspicious circumstances. The entire set of circumstances must be considered. Though it is true that if an admission of guilt by the delinquent employee is believable on facts, the need for further inquiry shall stand dispensed with, however, a strict test must be applied to determine whether such admission is made without any fear, coercion, undue influence, or any promise extended by the I.O.

40. In the present case, applying the above test, we find no infirmity in the Order of the learned Tribunal in refusing to accept the alleged admission of guilt by the respondent, even though it bears her signatures.

41. In *Manoj H. Mishra* (supra), the Supreme Court was considering a case where the delinquent employee, while challenging



the disciplinary proceedings before the learned Single Judge of the High Court, had not even raised the plea that the alleged admission had been obtained under coercion or undue influence. The plea taken was confined solely to the quantum of punishment. It was only before the Division Bench of the High Court that the plea regarding the admission having been obtained under coercion was raised, which was rejected by the Division Bench. In such circumstances, the Supreme Court, while exercising its extraordinary jurisdiction under Article 136 of the Constitution of India, did not allow the petitioner therein to agitate this issue. In the present case, as noted hereinabove, the respondent had, not only before the Disciplinary Authority but also before the Appellate Authority and the learned Tribunal, consistently reiterated the circumstances in which the alleged letter of admission of guilt had been obtained from her by the I.O.. Therefore, the above Judgment cannot come to the assistance of the petitioners.

42. In view of the above, we find no infirmity in the Order passed by the learned Tribunal.

43. The petition, along with all the pending applications, is accordingly dismissed.

44. There shall be no order as to costs.

NAVIN CHAWLA, J.

MADHU JAIN, J.

NOVEMBER 10, 2025/sg/Yg