



2025:DHC:10942-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 04.12.2025***+ **W.P.(C) 3842/2025 & CM APPL. 17868/2025****UNION OF INDIA & ANR.**

.....Petitioners

Through: Ms.Pratima N. Lakra, CGSC
with Mr.Shailendra Kumar
Mishra, Ms.Mansi and
Mr.Chanakya Kene, Advs.

versus

N MOHAN KRISHNA

.....Respondent

Through: Mr.M. K. Bhardwaj,
Ms.Priyanka Bhardwaj and
Mr.Praveen Kaushik, Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 01.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 761/2020, titled *N. Mohan Krishna v. Union of India & Anr.*, allowing the said O.A. filed by the respondent herein, with the following directions:

"18. Resultantly, the O.A. is allowed and the impugned orders, i.e. Charge Memo dated 16.02.2015, Disagreement Note dated 13.11.2017 and Penalty Order dated 18.02.2020, are quashed and set aside. As an



outcome of the above, the applicant shall be entitled for restoration of his rank before imposition of penalty upon him and, if he is otherwise found eligible, he shall be considered for promotion to the post of Deputy Commissioner as well as Joint Commissioner, which were withheld on account of pending disciplinary proceedings against him. He shall also be entitled for all other consequential benefits, in accordance with the extant rules. The directions contained herein shall be complied with within a period of eight weeks from the date of receipt of a certified copy of this order."

2. The only ground on which the learned Tribunal has allowed the O.A. is the delay in the initiation and the conclusion of the inquiry proceedings by the petitioners, and the resultant prejudice caused to the respondent in the form of him losing out on promotions during the intervening period. We quote from the Impugned Order, as under:

"15. However, it is undisputed that the applicant was issued 1st Memo on 17.10.2012 and, in response thereto, he submitted his reply denying the allegation in the memo and also deposited the T.A. bill amount along with interest. However, after more than three years in 2015, he was issued the impugned Charge Memo and, thereafter, the penalty order was issued in 2020, after a lapse of about 8 years, whereas as per the CVC instructions dated 18.01.2016, the respondents were required to settle the issue within one year. It is also undisputed that due to the inordinate delay caused in initiation and conducting of the disciplinary proceedings, the applicant was not only imposed with penalty of reduction of two stages but also denied the due promotions, that too, without any evidence/material on record for conducting any misconduct by him."



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17. In the background of the facts and circumstances, we are of the considered opinion that since there is inordinate delay in issuance of the charge memorandum as well as imposition of penalty upon the applicant and, in fact, when there was hardly any explanation worth consideration for such delay attributable to the respondents, the same cannot be sustained on any ground as it is in gross contravention to the above settled position of law. Accordingly, the impugned charge memorandum dated 16.02.2015 and the consequential orders passed by the Disciplinary Authority deserve to be quashed. It is also pertinent to mention that the charge was not proved in the inquiry conducted against the applicant and he has already suffered a lot in view of the pending disciplinary proceedings.

(Emphasis supplied)

3. The learned counsel for the petitioners has drawn our attention to Ground E in the Writ Petition, which gives the timeline of the proceedings. We reproduce the same, as under:

“E. BECAUSE the following details regarding the stages of proceedings were not considered by the Hon’ble CAT in correct prospective –

Sr. No.	Event	Date
1.	Period of Stay in Hotel Ashoka, Hyderabad as shown by the Charged officer in TA claim against Hotel receipt found of wrong address	28.03.2011 to 24.04.2011
2.	First Memo issued by the Department against which officer denied false TA claim but deposited entire amount claimed with interest.	04.10.2012
The matter was further investigated by the North Zonal Unit of Directorate General of Vigilance. During the investigation, various letters and consequent reminders were issued periodically to different formation of CGST & Customs to obtain information / documents relevant to the aforesaid case. Since, in the		



<i>aforesaid case, Sh.N. Mohan Krishna was undergoing training as probationer in NACEN, Faridabad and was attached with different field formation of erstwhile Central Excise, Service Tax & Customs for training purpose, therefore to verify the veracity of allegations made in the complaint, reports were called from different field formations i.e. Narcotics Commissioner CBN (Gwalior), Commissioner of Customs (Hyderabad-II Commissionerate), Commissioner (Visakhapatnam), Commissioner of Customs (Siliguri Commissionerate), Commissioner of Customs (Preventive), Amritsar.</i>		
3.	<i>Voluntary Statement of Shri N Mohan Krishna/Respondent</i>	<i>21.11.13</i>
4.	<i>Vigilance Investigation report sent to DGoV</i>	<i>10.03.2014</i>
5.	<i>CVC First Stage Advice Date</i>	<i>22.08.2014</i>
6.	<i>CM NO. 01/2015 issued</i>	<i>16.02.2015</i>
<i>On denial of charges by the CO, a formal inquiry was held in the matter</i>		
7.	<i>IO/PO appointed</i>	<i>13.10.2015</i>
8.	<i>IO report received: Charges held not proved</i>	<i>09.09.2016</i>
<i>The IO in his report dated 09.09.2014 held the charge as "Not Proved". The DA duly considered the IR dated 09.09.2014 and after re-examination of the matter in light of the facts of the same, disagreement note detailing the reasons of disagreement was issued.</i>		
9.	<i>Disagreement note issued</i>	<i>13.11.2017</i>
10.	<i>Representation from CO on DN</i>	<i>11.12.2017</i>
<i>After due consideration Representation of the CO was rejected by the DA and the matter was referred to UPSC.</i>		
11.	<i>File forwarded to UPSC</i>	<i>23.08.2018</i>
12.	<i>UPSC Advice dated</i>	<i>27.02.2019</i>
13.	<i>Representation of CO on UPSC advice</i>	<i>26.03.2019</i>
<i>After careful consideration of the facts and circumstances of the case and evidence on record, the representation of the CO on UPSC advice was rejected by the competent authority and UPSC advice was accepted.</i>		
14.	<i>Final Order No. 08/2020 awarding punishment of Reduction to a lower stage in the time-scale pay by two (02) stages, for a period of two (02) years with further directions that he will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing the future increments of his pay.</i>	<i>18.02.2020</i>

4. The learned counsel for the petitioners submits that the above timeline would show that there was no inordinate delay in the



initiation and the conclusion of the inquiry proceedings, and that steps were followed by the petitioners with the required expedition.

5. On the other hand, the learned counsel for the respondent, drawing our attention to the CVC Circular dated 14.12.2020, submits that there was an inordinate delay, not only in the initiation of the inquiry proceedings but also in the conduct thereof. He submits that, in the meantime, the respondent lost out on promotions, which in itself is a prejudice caused to the respondent. He hands over a chart showing the prejudice caused in this regard to the respondent. We reproduce the same, as under:

TABLE-02		
<i>Time Line of Promotion of the officers who are Batchmates (2010 Batch-IRS) of the Respondent</i>		
<i>Sr. N.</i>	<i>Promotion/Appointment</i>	<i>Date</i>
<i>1</i>	<i>Appointment as Assistant Commissioner</i>	<i>30.08.2010</i>
<i>2</i>	<i>Promotion of the Grade of Deputy Commissioner</i>	<i>17.10.2015 (Ad-hoc) 01.04.2015 (Regular)</i>
<i>3</i>	<i>Promotion to the Grade of Joint Commissioner</i>	<i>01.01.2020</i>
<i>4</i>	<i>Promotion to the Grade of Additional Commissioner</i>	<i>01.01.2023</i>
<i>5</i>	<i>Expected Promotion as Commissioner as per RR</i>	<i>01.01.2028</i>

TABLE - 03		
<i>Time Line of Promotion of the Respondent due to delay in Departmental Proceedings</i>		
<i>Sr. N.</i>	<i>Promotion/Appointment</i>	<i>Date</i>
<i>1</i>	<i>Appointment as Assistant Commissioner</i>	<i>30.08.2010</i>
<i>2</i>	<i>Issue of Change Memorandum</i>	<i>16.02.2015</i>
<i>3</i>	<i>Date of Final Order No. 08/2000</i>	<i>18.02.2020</i>
<i>4</i>	<i>Promotion to the Grade of Deputy Commissioner (after completion of punishment)</i>	<i>25.02.2022</i>
<i>5</i>	<i>Expected Promotion as Joint Commissioner</i>	<i>01.01.2027</i>



	(as per RR 2017)	
6	Expected Promotion as Additional Commissioner	01.01.2028
7	Expected Promotion as Commissioner	01.01.2031

TABLE -04			
Time Line of Promotion of the Respondent, if Departmental Proceedings were completed based on CVC Guidelines and as per Judgment of Hon'ble Supreme Court			
Sr. N.	Event (Promotion/Appointment, Date of Dept. Proceeding)	Date (If Departmental proceedings were completed within 09 months)	Date (If Departmental proceedings were completed within 18 months)
1	Appointment as Assistant Commissioner	30.08.2010	30.08.2010
2	Date of Charge sheet	16.02.2015	16.02.2015
3	Likely Date of order	16.11.2015	16.08.2016
4	Likely Date of completion of Penalty imposed on Respondent	16.11.2017	16.08.2018
5	Likely Date of Promotion as Deputy Commissioner as per RR	01.01.2018	01.01.2019
6	Likely Date of Promotion of Joint Commissioner as per RR	01.01.2023	01.01.2024
7	Likely Date of Promotion of Additional Commissioner	01.01.2024	01.01.2025
8	Likely Date of Promotion as Commissioner as per RR	01.01.2028	01.01.2028

6. He further submits that the learned Tribunal, in its Impugned Order, has also found that there was no evidence to proceed against the respondent. He specifically relies upon the emphasised portion of Paragraph 15, which we have re-produced hereinabove.

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

8. The Supreme Court in *S. Janaki Iyer v. Union of India & Ors.*,



2025 SCC OnLine SC 1179, has held that mere delay in the inquiry proceedings, when it is explained with regard to the time taken for the inquiry to conclude, and where no prejudice in the conduct of the inquiry is shown to have caused, cannot vitiate the inquiry. We quote from the judgment, as under:

“26. Mere delay during the inquiry proceedings, when it is explained with regard to the time taken for the inquiry to conclude and that too justifying the same with no prejudice having been caused, cannot be made the basis for vitiating the departmental proceedings. Inordinate or unexplained delay in the departmental proceedings may be a justifiable ground if tampered with prejudice having been established to have been caused to the delinquent employee in the said process for interference by the Court. In the present case, the same is absent and therefore the said plea of delay fails.”

9. In the present case, in our view, the petitioners, from the above timeline, have been able to show the reasons for the delay in the conclusion of the inquiry proceedings.

10. Though we do appreciate that the respondent has suffered prejudice in the form of losing out on promotions during the *interregnum* period, the same cannot be sufficient to set aside the entire inquiry proceedings.

11. On the submissions of the learned counsel for the respondent that the learned Tribunal also found that there was no evidence against the respondent, we find that apart from the above-stated words which have been emphasised by us in Paragraph 2 of our present Judgment,



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the learned Tribunal has not considered or given any reasons for the same.

12. At this stage, we find that as the learned Tribunal has not considered the case of the respondent on merits, apart from looking into the question of delay, it would be more appropriate to remand the matter back to the learned Tribunal for a fresh consideration of the entire gamut.

13. We, accordingly, set aside the Impugned Order passed by the learned Tribunal, and restore the O.A. back to its original number. The parties shall appear before the learned Tribunal on 22.12.2025.

14. We request the learned Tribunal to expedite the hearing of the O.A. and decide the same afresh, preferably within a period of three months of its first listing.

15. We would clarify that we have not expressed any opinion on the merits of the claims of the parties.

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

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 4, 2025/sg/SJ