



2025:DHC:5704-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 17.07.2025

+ W.P.(C) 8177/2025
UNION OF INDIA AND ORSPetitioners

Through: Mr. P. S. Singh CGSC, Mrs.
Annu Singh, Ms Minakshi
Singh, Mr. Rajneesh Kumar
Sharma Advs.

versus

MRS. SARITA SAXENA AND ORSRespondents

Through: Mr. Ramesh Rawat, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 41796/2025(delay)

1. In view of the reasons explained by the learned counsel for the petitioners, the delay of 164 days in filing the petition is condoned.
2. The application stands disposed of.

W.P.(C) 8177/2025 & CM APPL. 35708/2025(stay)

3. This petition has been filed challenging the Order dated 22.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in OA No. 2172/2015 titled ***Sh. R.C. Saxena-TECHNICIAN vs. Union of India and Ors.***, setting aside the enquiry proceedings against the delinquent employee, who was the husband and father of the



respondents herein, on the ground that no evidence was led against him during the enquiry proceedings.

4. Briefly stated the facts in which the present petition arises are that the delinquent employee was initially appointed as a Technician Grade III on 14.11.1984 in the Indian Railways, was promoted to the post of Technician Grade II in the year 1988, and then was again promoted to the post of Technical Grade-I in the year 1992. Thereafter, the delinquent employee was charge-sheeted in the year 2004, and pursuant to enquiry proceedings, was compulsorily retired from service *vide* an Order dated 06.09.2004. The appeal and revision petition thereagainst were both rejected by the competent authorities.

5. The delinquent employee challenged the above orders before the learned Tribunal by way of O.A. No. 315/2006, titled ***R.C. Saxena vs. UOI & Ors.*** The said O.A. was allowed by the learned Tribunal on 18.04.2007, holding that the charges against the delinquent employee were ‘not proved’ and the delinquent employee was held entitled to be deemed as continuing in service. It was further directed that he would be entitled to 60% of the salary that he would have normally drawn prior to his retirement.

6. The challenge to the above order in form of W.P.(C) 5688/2007 was dismissed by this Court.

7. Thereafter, the delinquent employee filed the Contempt Petition, being C.P. No. 300/2007.

8. In the Contempt Petition, the learned Tribunal directed that upon the delinquent employee submitting a certificate of ‘non-working’, he would be entitled to 60% of his salary in accordance with



the Order dated 18.04.2007.

9. The delinquent employee then submitted the certificate dated 18.10.2007 of his non-working from the period 27.09.2004 to 15.09.2007.

10. The petitioners, however, claiming that the delinquent employee had worked in Keystone Developers Private Limited, Noida as an Electrical Engineer and earned a salary of Rs.17,000/- per month totalling to Rs.43,777/- for the period 26.04.2006 to 11.07.2006, and had also submitted his work certificates for the purpose of obtaining personal/educational loans, held that the delinquent employee had produced a false certificate of non-working.

11. The petitioners, hence, filed a review against the Order dated 18.04.2007, which came to be dismissed *vide* Order dated 02.06.2008 on grounds that the OA was allowed on basis of the materials available at the time of hearing.

12. Thereafter, the petitioners initiated yet another departmental enquiry against the delinquent employee by issuing a charge-sheet on 31.07.2009. The enquiry officer submitted his report on 08.07.2011, relying whereon the Disciplinary Authority inflicted the penalty of 'dismissal from service' on the delinquent employee *vide* order dated 07.08.2014. Appeal filed against the same by the delinquent employee was also rejected *vide* Order dated 15.10.2014 passed by the Senior Divisional Electrical Engineer, acting as the Appellate Authority. The revision petition thereagainst was also dismissed on 16.12.2014.

13. The above orders were challenged by the delinquent employee before the learned Tribunal by way of the above O.A.



14. Unfortunately, during the pendency of the above O.A., the delinquent employee passed away and the respondents were substituted in his place.

15. The learned Tribunal, on hearing the counsels for the parties and perusing the record, observed that no witness was examined by the petitioners before the enquiry officer. In absence of any such evidence, the certificate produced by the delinquent employee could not be treated as being false. The learned Tribunal, therefore, concluded that it was a case of 'no evidence' and the findings of the enquiry officer cannot be sustained.

16. The learned counsel for the petitioner places reliance on the certificate dated 26.02.2008 allegedly issued by Keystone Developers Private Limited, affirming to the fact that the delinquent employee had worked with them from 26.04.2006 to 11.07.2006 earning a total amount of Rs. 43,777/-. He submits that therefore, there was evidence of the delinquent employee earning through employment during the period for which he claimed his wages from the petitioner.

17. We are unable to agree to the submissions made by the learned counsel for the petitioner. As found by the learned Tribunal, no witness was examined by the petitioners before the enquiry officer. Consequently, the certificate relied upon by the petitioners remained unproved. In absence of any evidence, the delinquent employee could not have been held 'guilty' of submitting a false certificate/affidavit. The entire enquiry proceedings were, therefore, a case of 'no evidence'.

18. The learned Tribunal, therefore, in our opinion rightly quashed



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the penalty Order against the delinquent employee. We see no reason to interfere with the said finding.

19. The petition along with pending applications, if any, is, accordingly, dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 17, 2025/bsn/kj/ik