



2025:DHC:5485-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 11.07.2025

+ W.P.(C) 9567/2025

UNION OF INDIA THROUGH THE SECRETARY
MINISTRY OF FINANCE DEPARTMENT OF
EXPENDITURE & ANR.Petitioners

Through: Mr. Abhishek Gupta, Mr.
Shaswat Kumar Pandey, Advs.

versus

HARISH NARULARespondent

Through: Ms. Aanchal Anand, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CAV 251/2025

1. Ms. Aanchal Anand, the learned counsel appearing on behalf of the respondent, enters appearance on advance notice.
2. In view of the same, the caveat stands discharged.

W.P.(C) 9567/2025 & CM APPL. 40305/2025

3. This petition has been filed by the petitioners, challenging the Order dated 01.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in Original Application No. 404/2024 (hereinafter referred to as the, 'O.A.'), titled *Harish Narula v. Union of India & Anr.*, whereby the learned Tribunal allowed the O.A. filed by the respondent herein and quashed the Charge Memorandum dated 29.06.2018 along with all consequential proceedings thereto. The respondent has also



been held entitled to all consequential benefits in accordance with law.

4. The only ground on which the Impugned Order has been passed is that the petitioners did not lead any oral evidence in support of the Charge Memorandum dated 29.06.2018. The learned Tribunal, placed reliance on the Judgments of this Court in ***Union of India v. Shameem Akhtar***, 2015 SCC OnLine Del 14747, and ***Union of India & Ors. v. Ritu Chaudhary***, 2019 SCC OnLine Del 12063, to observe that leading of oral evidence was essential.

5. The learned counsel for the petitioners, in challenge to the aforesaid finding, has drawn our attention to paragraph 11.1 of the Enquiry Report dated 18.03.2020, wherein the Enquiry Officer specifically recorded as under:

“.....The Charged Officer-2 i.e. Sh. Harish Narula submitted an acknowledgement on 08.01.2019 stating that he had inspected the originals of all the documents listed in Annexure-III of the charge memo and that "I am satisfied with the authenticity and genuineness of these documents-total 41 pages seen." CO's written communication of date 08.01.2019 signed by the CO-3 was taken on record of the inquiry”.

6. He submits that the documents had been admitted by the respondent and, therefore, even in the absence of any oral evidence, the charge against the respondent was made out.

7. The above submission is vehemently disputed by the learned counsel for the respondent, who appears on advance notice. She submits that though the documents were admitted by the respondent, their contents still had to be proved by the petitioners. She further



submits that there were other important Circulars and circumstances which clearly showed that no case was made out against the respondent.

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

9. In the present case, the learned Tribunal has not considered the effect of the admission of the documents by the respondent on the enquiry proceedings. It has not opined whether such admission was sufficient to prove the guilt of the respondent. It has also not considered the other submissions which the learned counsel for the respondent sought to urge in support of the plea that no case was made out against the respondent in the enquiry proceedings and that there was a total lack of evidence.

10. In view of the above, and with the consent of the learned counsel for the respondent, we set aside the Impugned Order dated 01.05.2025 passed by the learned Tribunal. We remand the matter back to the learned Tribunal by restoring the O.A. to its original number.

11. We request the learned Tribunal to consider the rival contentions of the parties holistically.

12. The parties shall appear before the learned Tribunal on 4th August, 2025.

13. We make it clear that we have not expressed any opinion on the merits of the dispute, including whether the mere admission of the documents by the respondent was sufficient to prove the charges against the respondent. All these issues shall remain open to be



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adjudicated by the learned Tribunal on their own merits.

14. The petition, along with the pending application, is accordingly disposed of in the aforesaid terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 11, 2025/bsn/p/kj/DG