



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 03.09.2025
Pronounced on: 10.11.2025

+ **W.P.(C) 12925/2006 & CM APPL. 9979/2006**

BIJENDER SINGH

.....Petitioner

Through: Mr. Sachin Chauhan with Ms.
Ridhi Dua, Advs.

versus

GOVT. OF N.C.T. OF DELHI & ORS

.....Respondents

Through: Mr. Ajay Jain, SPC with Mr.
Krishna Sharma, Mr. M.N.
Mishra, Mr. Manoj and Ms.
Kashish, Advs.

+ **W.P.(C) 4506/2013**

JAVED KHAN

.....Petitioner

Through: Mrs. Rajdipa Behura, Sr. Adv.
with Mr. Philomon Kani, Ms.
Neha Dobriyal, Ms. Aishwarya
Gupta, and Ms. Aditi Behura,
Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORSRespondents

Through: Mr. Ajay Jain, SPC with Mr.
Krishna Sharma, Mr. M.N.
Mishra, Mr. Manoj and Ms.
Kashish, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. Both the writ petitions emanate from the same incident;



however, the proceedings against each of the petitioners, namely Bijender Singh and Javed Khan, were distinct. The present writ petitions, though independent in their course, are now founded upon common grounds and have, therefore, been heard together.

W.P.(C) 12925/2006: -

2. Insofar as W.P.(C) 12925/2006 is concerned, the petitioner challenges the Order dated 27.11.2000 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1260/1999, titled ***Bijender Singh v. Govt. of NCT of Delhi & Ors.***, whereby the learned Tribunal dismissed the said O.A. filed by the petitioner herein upholding the penalty Order dated *nil* passed by the Disciplinary Authority, and the Order dated 12.04.1999 passed by the Appellate Authority.

3. The petitioner was recruited as a Constable in the Delhi Police on 12.11.1990 and was proceeded against departmentally on the allegation that, during the investigation of FIR No. 130 dated 20.02.1997 registered at P.S. Nabi Karim under Sections 61/1/14 of the Excise Act, 2009, one accused, Jagat Kumar, disclosed that on 20.02.1997, he was informed by one Naresh Kumar that his truck loaded with country-made liquor had been confiscated by the Nabi Karim Police. Thereafter, he, along with others, including Naresh Kumar, reached Sheila Cinema, where the truck was parked in a Gali (lane), and two constables, namely Bijender Singh (the petitioner herein) and Javed Khan, were present there.

4. Jagat Kumar further stated that the said constables had apprehended the truck and demanded a sum of Rs. 60,000/- for its



release. An amount of Rs. 50,000/- was allegedly handed over to the petitioner by Naresh Kumar for releasing the truck, and Naresh Kumar requested the petitioner to escort them up to Ajmeri Gate. However, the truck slipped away on the way, and Naresh Kumar assumed that it had been taken to the police station. He, along with his associates, then attempted to snatch back the money from the petitioner. This commotion was noticed by another constable travelling on a motorcycle, who stopped the vehicle in which Naresh Kumar and the petitioner were travelling. While the other persons managed to escape, Jagat Kumar was apprehended and taken to the Nabi Karim Police Station.

5. The aforesaid act on the part of the petitioner was considered to amount to grave misconduct, negligence, carelessness, and dereliction in the discharge of official duties, thereby rendering him liable to be dealt with departmentally under the provisions of the Delhi Police (Punishment & Appeal) Rules, 1980.

6. The petitioner was dismissed from service *vide* Order dated 28.02.1997. Aggrieved by the same, the petitioner preferred an appeal against the said dismissal order, contending that it had been passed without holding any Departmental Enquiry and without affording him an opportunity of being heard. The Appellate Authority, that is, the Additional Commissioner of Police (Northern Range), *vide* Order dated 17.10.1997, set aside the dismissal order and reinstated the petitioner with a direction to conduct a regular Departmental Enquiry.

7. The Deputy Commissioner of Police, Central District, *vide* Order no. 71-85/HAP/AC-11/C dated 02.01.1998, appointed Inspector



S.K. Dahiya, Addl. S.H.O., as the Enquiry Officer. The petitioner was directed to appear before the Enquiry Officer. A summary of allegations was issued to the petitioner on 16.01.1998, and *vide* Order dated 18.05.1998, a charge was framed against him, to which the petitioner pleaded not guilty. Nine prosecution witnesses were examined before the Enquiry Officer. The Enquiry Officer submitted his report holding the charges proved against the petitioner.

8. Relying on the said report, the Disciplinary Authority passed Order No. 5861/5360/Hap/Ac-II/C dated *nil*, dismissing the petitioner from service. The statutory appeal preferred by the petitioner was dismissed by the Appellate Authority *vide* Order No. 813-15/p.Sec.(N.R) dated 12.04.1999.

9. Aggrieved thereby, the petitioner filed O.A. No. 1260/1999 before the learned Tribunal, challenging the dismissal primarily on the grounds that the Enquiry was vitiated due to non-supply of documents, and that the findings of the Enquiry Officer were based on surmises, and that there was no finding of incorrigibility, as required under Rule 8 (a) of the Delhi Police (Punishment & Appeal) Rules, 1980. The learned Tribunal, however, dismissed the said O.A. *vide* its Impugned Order dated 27.11.2000.

10. Aggrieved by the aforesaid Impugned Order, the petitioner has filed the present writ petition.

W.P.(C) No. 4506/2013: -

11. As far as W.P.(C) 4506/2013 is concerned, the petitioner, Javed Khan, challenges the Order dated 27.11.2012 and Order dated 09.01.2013 passed by the learned Central Administrative Tribunal,



Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2057/1999 and in R.A. No. 349/2012, respectively, whereby the learned Tribunal dismissed his O.A. as well as the subsequent Review Application, thereby upholding the penalty of dismissal imposed upon him.

12. The Disciplinary Proceedings against the petitioner arose from the same incident dated 20.02.1997, which led to the registration of FIR No. 130/1997 under Sections 61/1/14 of the Excise Act, 2009 at P.S. Nabi Karim.

13. The petitioner was dismissed from service *vide* Order dated 28.02.1997. Aggrieved by the same, the petitioner preferred an appeal against the said dismissal Order, contending that it had been passed without holding any Departmental Enquiry and without affording him an opportunity of being heard. The Appellate Authority, that is, the Additional Commissioner of Police (Northern Range), *vide* Order dated 17.10.1997, set aside the dismissal order and reinstated the petitioner with a direction to conduct a regular Departmental Enquiry.

14. The Deputy Commissioner of Police, Central District, *vide* Order no. 71-85/HAP/AC-11/C dated 02.01.1998, appointed Inspector Surender Dahiya, Addl. S.H.O., as the Enquiry Officer. The petitioner was directed to appear before the Enquiry Officer. A summary of allegations was issued to the petitioner on 16.01.1998, and *vide* Order dated 18.05.1998, a charge was framed against him, to which the petitioner pleaded not guilty. On 29.05.1998, the Enquiry Officer submitted his report holding that the charges were proved against the petitioner.



15. The Disciplinary Authority passed Order No. 5861/5360/Hap/Ac-II/C *vide* Order dated *nil*, dismissing the petitioner from service. The statutory appeal preferred by the petitioner was dismissed by the Appellate Authority *vide* Order no. 813-15/p.Sec.(N.R) dated 12.04.1999.

16. Aggrieved thereby, the petitioner filed O.A. No. 2057/1999 before the learned Tribunal, praying for quashing of the Enquiry Report and reinstatement of the petitioner in service.

17. By Order dated 28.03.2001, the learned Tribunal dismissed the O.A., holding that the punishment of dismissal was justified.

18. The petitioner thereafter carried the matter further in W.P.(C) No. 4410/2002 before this Court. *Vide* Order dated 04.08.2011, this Court remanded the matter to the learned Tribunal, observing that the contradictions in the witness statements and the petitioner's specific submissions had not been dealt with, and directing the learned Tribunal to pass a Speaking Order.

19. Upon remand, however, the learned Tribunal, by Order dated 27.11.2012, once again dismissed the O.A., reiterating its earlier Order dated 28.03.2001.

20. Thereafter, the petitioner filed a Review Application, being R.A. No. 349/2012, which was also dismissed by the learned Tribunal *vide* Order dated 09.01.2013 on the ground that no error apparent on the face of the record had been made out.

21. Aggrieved thereby, the petitioner has approached this Court by way of the present writ petition.



SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PETITIONERS:-

22. The learned counsel appearing for the petitioners submitted that the departmental action against the petitioners was initiated solely on the basis of the alleged disclosure made by Jagat Kumar while in police custody. No independent material was produced to substantiate the allegation.

23. It is further submitted that the case against the petitioners is one of “no evidence”. Except for the purported confession of PW-6, Jagat Kumar, who is admittedly a person of ‘bad character’, there is no testimony connecting the petitioners with the incident. The reliance placed by the Enquiry Officer on the uncorroborated statement of Jagat Kumar is wholly misconceived, particularly when the law requires that such confessions made in custody ought not to be relied upon in the absence of corroboration.

24. The learned counsel also contended that the versions of the prosecution witnesses are riddled with contradictions. The arrest of Jagat Kumar itself has been narrated differently by PW-5, ASI Rajeshwar, and PW-6, Jagat Kumar. While PW-5 states that he apprehended Jagat Kumar at the spot after the other alleged culprits fled, PW-6 states that he was caught later by a Constable on a motorcycle at Ajmeri Gate. Even the place of arrest, whether Ajmeri Gate or Delhi Gate, remains inconsistent. Further, PW-4, Acheta Nand, mentions only one Constable in uniform, whereas the case of the department is that two Constables in civil dress were present.

25. The learned counsel for the petitioners further submitted that



there are serious inconsistencies regarding the alleged payment of the bribe. While PW-9, Inspector Tej Singh Verma, deposed that Naresh Kumar paid Rs. 50,000/- to Constable Bijender Singh, PW-6, Jagat Kumar, deposed that he himself paid Rs. 59,300/- to both Constables. The amount allegedly settled, the person making the payment, and the recipient thereof are all shrouded in contradictions.

26. The learned counsel contended that there is no evidence whatsoever to place the petitioners at the scene of the occurrence. No witness has identified them, no independent corroboration exists, and no material has been brought on record beyond the inadmissible statement of Jagat Kumar. The Enquiry Officer's conclusion that the charges stood proved is, therefore, perverse. The learned counsel relied on the Judgement of the Supreme Court in ***Union of India v. H.C. Goel***, 1963 SCC OnLine SC 16, wherein it was held that a Writ of Certiorari can be claimed by a public servant if he is able to satisfy the High Court that his dismissal is founded on no evidence.

27. The learned counsel further submitted that although this Court, in W.P.(C) No. 4410/2002, had specifically directed the learned Tribunal to reconsider the evidence afresh and pass a Speaking Order, the learned Tribunal, by its subsequent Orders dated 27.11.2012 and 09.01.2013, failed to do so and merely reiterated its earlier reasoning. It was contended that this is in complete disregard of the binding directions of this Court.

28. The learned counsel also placed reliance on ***M.V. Bijlani v. Union of India & Ors.***, (2006) 5 SCC 88, wherein the Supreme Court held that an Enquiry Officer, being a quasi-judicial authority, must



arrive at a conclusion of guilt only on the basis of relevant material and on the standard of preponderance of probabilities. It was emphasised that the Enquiry Officer cannot take into account irrelevant facts, cannot refuse to consider relevant ones, cannot shift the burden of proof, and cannot reject material testimony on surmises or conjectures. In the present case, it was urged that the Enquiry Officer violated each of these principles.

29. The learned counsel for the petitioners further relied on the Judgement of the Supreme Court in *Moni Shankar v. Union of India & Anr.*, (2008) 3 SCC 484, wherein the Court held that, while exercising powers of Judicial Review in Departmental Proceedings, it is open to the Court to consider whether the inference on facts is based on evidence which meets the requirements of legal principles, including the requirements of burden of proof, namely, preponderance of probability. It was further held that if, on such evidence, the test of the doctrine of proportionality is not satisfied, the learned Tribunal is within its domain to interfere.

30. It was urged that even otherwise, in terms of Rule 15(2) of the Delhi Police (Punishment and Appeal) Rules, 1980, once a cognizable offence is disclosed, the competent authority is obliged to record reasons for preferring a Departmental Enquiry over criminal prosecution. No such approval or reasoned order of the Additional Commissioner of Police has been placed on record.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS:-

31. On the other hand, the learned counsel for the respondents



submitted that the allegations against the petitioners stood corroborated by multiple witnesses, including ASI Rajeshwar, and clearly demonstrated the active role of the petitioners in the misconduct.

32. The learned counsel further contended that the Departmental Enquiry was conducted strictly in accordance with the Delhi Police (Punishment & Appeal) Rules, 1980. The Summary of Allegations and Charge was duly served, the petitioners were afforded adequate opportunity to defend themselves, relevant documents were supplied, witnesses were examined in their presence, and cross-examination was permitted. The Enquiry Officer, after evaluating all the evidence on record, returned a finding of guilt. The punishment of dismissal was thereafter imposed by the Disciplinary Authority and subsequently affirmed by the Appellate Authority.

33. The learned counsel also contended that the involvement of police personnel in the commission of a crime shakes public confidence. The act of the petitioners, from which these petitions arise, was planned and executed with *mala fide* intentions, thereby tarnishing the image of the Delhi Police. He further submitted that the misconduct of the petitioners was grave and serious.

34. The learned counsel submitted that the departmental findings are based on the standard of preponderance of probabilities and not on proof beyond a reasonable doubt. Reliance was placed on the Judgement of the Supreme Court in ***Union of India & Ors. v. Dalbir Singh***, 2021 SCC OnLine SC 768, wherein the Court emphasised the distinct nature of Departmental Enquiries as compared to Criminal Trials, underlining that the evidentiary standard in disciplinary



proceedings is based on the "preponderance of probabilities" rather than "beyond a reasonable doubt". The Court held that Departmental Enquiries are meant to ensure discipline and integrity in service rather than to impose criminal penalties, and, as such, are governed by their own procedural requirements, which prioritize efficiency and fairness over the strict evidentiary rules applicable in criminal cases.

35. The learned counsel further placed reliance on the Judgment of the Supreme Court in ***Union of India & Ors. v. P. Gunasekaran***, (2015) 2 SCC 610, wherein the Court laid down the limits of Judicial Review in service matters. It was categorically held that the Court, while exercising writ jurisdiction, cannot re-appreciate evidence, cannot interfere with the factual findings of the Enquiry Officer, and must restrict itself to examining whether there was any procedural irregularity, violation of the principles of natural justice, or perversity in the findings. In the present case, no such infirmity has been demonstrated.

36. The learned counsel further placed reliance upon the observations of the Supreme Court in ***Ajit Kumar Nag v. General Manager (PJ), Indian Oil Corporation Ltd., Haldia & Ors.***, (2005) 7 SCC 764, wherein it was held that the quantum of punishment imposed in disciplinary proceedings cannot be equated with criminal liability, and that once misconduct is proved, the choice of penalty lies within the discretion of the disciplinary authority, unless it is shockingly disproportionate. It was further held that the Court can interfere only where the finding is wholly arbitrary or based on no evidence. In the present case, considering the gravity of the misconduct, the penalty of



dismissal was wholly justified.

37. The learned counsel for the respondents, concluding their contentions, submitted that the petitioners were afforded full opportunity of hearing, the charges were duly proved in a fair inquiry, and the findings of the authorities, as well as those of the learned Tribunal, are reasoned, sustainable, and free from any infirmity. Therefore, it was submitted that no ground for interference under Article 226 of the Constitution of India has been made out, and the writ petitions are liable to be dismissed.

ANALYSIS AND FINDINGS: -

38. We have considered the submissions made by the learned counsel appearing on behalf of the respective parties and have perused the record.

39. The background of both the Writ Petitions emanates from the same incident dated 20.02.1997, which has been narrated herein above.

40. At the outset, it is necessary to recapitulate the settled law governing the scope of Judicial Review in matters of disciplinary proceedings. The power of this Court under Article 226 of the Constitution of India is not that of an Appellate Forum to re-appreciate the evidence. The jurisdiction is limited to examining whether the Enquiry was conducted by a competent authority in accordance with the prescribed procedure, whether there was adherence to the principles of natural justice, and whether the conclusions reached are based on some relevant evidence. The ambit of judicial review is, therefore, confined to examining the correctness of the decision-making process and the fairness of the procedure adopted. This principle has been



reiterated by the Supreme Court in ***B.C. Chaturvedi v. Union of India & Ors.***, (1995) 6 SCC 749, the relevant portion of which reads as under:

“12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may



**interfere with the conclusion or the finding,
and mould the relief so as to make it
appropriate to the facts of each case.”**

(Emphasis supplied)

41. Having noted the limited jurisdiction of this Court under Article 226 of the Constitution of India while dealing with the disciplinary proceedings, we may now turn to the merits of the submissions advanced on behalf of the parties.

42. As regards the principal submission of the petitioners that the enquiry is based on “no evidence”, we do not find any merit in the same. The Enquiry Officer did not rely solely upon the statement of PW-6, Jagat Kumar, but also considered the depositions of other witnesses, including PW-4, Acheta Nand; PW-5, ASI Rajeshwar; and PW-9, Inspector Tej Singh Verma, who collectively corroborated the sequence of events. The material placed on record, when viewed holistically, provides an adequate basis for the conclusion reached by the Enquiry Officer. It is settled law that, in departmental proceedings, the standard of proof is that of preponderance of probabilities and not proof beyond a reasonable doubt. So long as the findings are supported by some relevant evidence, this Court cannot interfere merely because another view is possible.

43. The contention that contradictions existed in the statements of witnesses regarding the location of arrest or the person handing over the alleged bribe are minor discrepancies and cannot form the basis for discarding the entire evidence in a disciplinary proceedings, which has to be decided on the standard of balance of probabilities. The core



allegation that the petitioners were present at the spot, apprehended the truck, and demanded illegal gratification, remains consistent throughout the statements of witnesses. Such minor inconsistencies cannot be the basis for discarding the overall evidence, particularly in departmental proceedings governed by the test of probability.

44. The submission regarding the non-supply of documents also lacks merit. The record indicates that all relevant materials were made available to the petitioners, and they were aware of the case they had to meet. They were afforded sufficient opportunity to cross-examine witnesses and to present their defence. No specific prejudice has been demonstrated to show that the alleged non-supply of any particular document affected the fairness of the enquiry.

45. Coming to the contention of the learned counsels for the petitioners that the proceedings are vitiated for want of prior approval under Rule 15(2) of the Delhi Police (Punishment & Appeal) Rules, 1980, the same is equally devoid of merit. Rule 15(2) is intended to ensure that, where a preliminary enquiry reveals the commission of a cognizable offence by a police officer in the course of his official duties, the competent authority considers whether criminal prosecution or departmental enquiry would be the appropriate course of action.

46. Sub-rule (2) of Rule 15 reads:

“15. Preliminary enquiries: -

xxxx

(2) In cases in which a preliminary enquiry discloses the commission of a cognizable offence by a police officer of subordinate rank in his official relations with the public, departmental enquiry shall be ordered after obtaining prior approval of the Additional



Commissioner of Police concerned as to whether a criminal case should be registered and investigated or a departmental enquiry should be held.”

47. In the present case, the record clearly demonstrates that the Deputy Commissioner of Police, Central District, Delhi, directed the conduct of a departmental enquiry against Constables Bijender Singh and Javed Khan under the provisions of the Delhi Police (Punishment & Appeal) Rules, 1980, pursuant to the Addl. C.P. (N.R.) Delhi's Order No. 5980-81/P.Sec. (N.R.) dated 17.10.1997, and further directed that the enquiry be conducted by Inspector Sh. Surender Dahiya, Addl. S.H.O/Paharganj. The said decision was taken as the earlier decision to terminate the services of the petitioners had been set aside in appeals filed by them on the ground that a departmental enquiry must be initiated against them. The petitioners therefore, cannot now challenge the decision to conduct the disciplinary inquiry against them.

48. Upon a holistic appreciation of the record, this Court finds no procedural irregularity, illegality, or perversity in the findings of the disciplinary or the appellate authorities, or in the orders of the learned Tribunal. The enquiry was conducted by a competent officer, in compliance with the applicable rules, and the petitioners were afforded a full opportunity of hearing.

49. Considering the nature of the allegations against the petitioners, and bearing in mind that, as members of the police force, their duty was to protect citizens rather than harass them, we are of the view that no interference by this Court is warranted. The disciplinary authority, in our view, rightly observed that indulgence by a public servant in



activities such as demanding or accepting money must be dealt with a heavy hand, as the retention of police officials involved in such acts is undesirable and contrary to public interest. The appellate authority also found no reason to interfere with the punishment imposed. Given the nature of the charges established against the petitioners, it cannot be said that the penalty imposed is disproportionate or shocks the conscience of the Court. We concur with the view that a police official indulging in corrupt activities cannot be permitted to remain in service and must be weeded out from the force.

50. Accordingly, both the writ petitions are dismissed. The Impugned Order dated 27.11.2000 passed in O.A. No. 1260/1999, and the Orders dated 27.11.2012 and 09.01.2013 passed in O.A. No. 2057/1999 and in R.A. No. 349/2012 in O.A. No. 2057/1999, by the learned Tribunal, are upheld. All the pending applications also stand disposed of.

51. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

NOVEMBER 10, 2025/P