



2025:DHC:9679-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 16617/2025 & CM APPL. 68087/2025, CM APPL. 68088/2025

MUKESH KUMAR VERMA

.....Petitioner

Through: Mr. Praveen Kumar Singh, Mr. C. Sanal Nambiar, Ms. Abhinav Shailly, Ms. Chetna Singh and Mr. Shubham Mathur, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Pritish Sabharwal, SPC with Mr. Sanjeet Kumar and Mr. Mehvish Khan Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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03.11.2025

C. HARI SHANKAR, J.

1. This writ petition assails charge sheet dated 16 September 2025 issued to the petitioner by the Deputy Inspector General, SHQ BSF Jowai.

2. The charge-sheet contains the following articles of charge:

“First Charge
BSF Act 1968
Section -40

AN ACT PREJUDICIAL TO GOOD
ORDER AND DISCIPLINE OF THE
FORCE

In that he, at 200 Bn BSF, during the period March 2023 to June 2024 while performing

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KUMAR
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the duties of Second-in-Command in 200 Bn BSF misused his authority as Unit Grievance Redressal Officer to mentally harass Const (GD) Dhanrashi of 200 Bn BSF (Now 178 BN BSF) by pressurizing him to bring & keep his wife with him against his will, thereby violated the good order and discipline of the Force.

Second Charge
BSF Act 1968
Section -40

AN ACT PREJUDICIAL TO GOOD
ORDER AND DISCIPLINE OF THE
FORCE

In that he, at 200 Bn BSF, during the period from March 2023 to June 2024, while performing the duties of Second-in-Command in 200 Bn BSF established telephone contact with wife of Constable (GD) Dhanrashi of 200 Bn BSF (Now 178 Bn BSF) on several occasions without his knowledge, thereby violated good order and discipline of the Force.

Third Charge
BSF Act 1968
Section -40

AN ACT PREJUDICIAL TO GOOD
ORDER AND DISCIPLINE OF THE
FORCE

In that he
on 11-01-2023, while being posted as Second-in-Command in 200 Bn BSF and during his leave period, improperly and without authority, visited the residence of a Smt Sapna Chauhan, wife of Constable (GD) Dhanrashi of 200 Bn BSF (Now 178 Bn BSF) in Ayodhya, District (UP), without knowledge of her husband as well as Unit Commandant, which is an unethical conduct.”

3. At the outset, Mr. Praveen Kumar Singh, learned Counsel for the petitioner, submits that this is the third visit of the petitioner to this Court. Two earlier charge-sheets issued to the petitioner stand stayed. He submits that the present charge sheet pertains to events which took place prior to the events forming subject matter of the two earlier



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charge sheets and that, therefore, this is merely a tool of harassment.

4. Of the charge sheets which stand stayed, we may note that the first charge sheet had been issued consequent to allegations of sexual harassment levelled against the petitioner which were investigated by the Internal Complaints Committee¹ of the respondent. Despite the ICC exonerating the petitioner, a charge sheet had been issued to the petitioner.

5. We had, therefore, *vide* our order dated 15 July 2025 observed that, once the petitioner stood exonerated by the ICC, applying the law laid down by the Supreme Court in **Vishaka v State of Rajasthan**² and **Medha Kotwal Lele v Union of India**³, the only option for the respondent was to disagree with the findings of the ICC, and not to issue a substantive charge-sheet. That was the ground on which stay was granted in the first writ petition.

6. The charge sheet forming subject matter of the second writ petition was found to contain charges which were verbatim reproductions of the charges which were part of the first charge sheet in the first writ petition, which already stood stayed. Accordingly, we granted stay in the second writ petition.

7. The charges in the present chargesheet forming subject matter of present writ petition, however, are not subject matter of either of the chargesheets which formed subject matter of the earlier writ

¹ "ICC" hereinafter

² (1997) 6 SCC 241



petitions. Though Mr. Singh seeks to submit that these charges pertain to events which took place prior to the events forming subject matter of the earlier charge-sheet, that cannot constitute a basis for us to interdict the disciplinary proceedings.

8. The Supreme Court has, time and again, held that courts should not interfere with disciplinary proceedings unless the proceedings are initiated without jurisdiction, or if the facts alleged against the charged officer, even if treated as true, do not make out a case of misconduct.⁴

9. The allegations contained in the charge sheet in the present case cannot be said not to amount to misconduct, if they are true.

10. Mr. Singh has made fervent efforts to convince us that the charges are imaginary. He submits that the visits of the petitioner to the residences forming subject matter of the chargesheet were in his official capacity as he was a Grievance Redressal Officer. He also draws our attention to a letter dated 24 March 2023 addressed by the DC/ADJT on behalf of the Commandant to the Sector Headquarters which states that the allegations against the petitioner were unjustified.

11. The aforesaid letter clearly cannot constitute a sole basis for us to quash the disciplinary proceedings following the impugned charge-sheet. It shall always be open to the petitioner to rely on the said letter or on any other evidence in his favour in the inquiry proceedings which would follow the impugned chargesheet.

³ (2013) 1 SCC 297

⁴ Refer *Union of India v Upendra Singh*, (1994) 3 SCC 357



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12. Within the limited parameters of the law laid down by the Supreme Court in that regard, we are of the opinion that no case for interference with the presently impugned chargesheet is made out.

13. The writ petition is accordingly premature and is dismissed as such.

14. Needless to say, we have not expressed any opinion on the merits of the charges against the petitioner.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 3, 2025

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