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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16930/2024 & CM APPLs. 71737/2024, 20801/2025, 44325/2025, 44885/2025**
RAJENDRA KUMAR AGRAWALPetitioner
Through: Mr. Ankit Roy, Advocate.
versus
LT. GOVERNOR, NCT OF DELHI & ANR.Respondents
Through: Mrs. Avnish Ahlawat, SC for
GNCTD with Mr. Nitesh Kumar
Singh and Ms. Aliza Alam,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **08.10.2025**

1. The petitioner was an employee of respondent No. 2 - Delhi Agricultural Marketing Board ["DAMB"] from the year 1987 until his superannuation on 29.02.2024.
2. By way of this petition under Article 226 of the Constitution, the petitioner seeks the following reliefs:

"a) Issue a Writ of Certiorari or any other writ or direction in the nature thereof quashing the Show Cause Notice dated 27.02.2024 pertaining to disposal of excavated earth, issued by the Respondent No. 2 to Petitioner;

b) Issue a Writ of Certiorari or any other writ or direction in the nature thereof quashing the Show Cause Notice dated 27.02.2024 pertaining to purchase/sale of immovable property(s), issued by the Respondent No. 2 to Petitioner;

c) Issue a Writ of Certiorari or any other writ or direction in the nature thereof quashing the suspension order dated 29.02.2024 passed by the Respondent No. 2 against the Petitioner;

d) Issue a Writ of Certiorari or any other writ or direction in the nature thereof quashing the Letter dated 08.11.2024, issued by the Respondent No. 2;

e) Issue a Writ of Certiorari or any other writ or direction in the nature thereof quashing the Show Cause Notice dated 08.11.2024,



issued by the Respondent No. 2;

f) Issue a Writ of Certiorari or any other writ or direction in the nature thereof quashing Order dt. 12.06.2024 issued by the Respondent No. 2 for fixation of provisional pension of the Petitioner;

g) Issue a Writ of Mandamus or any other writ or direction in the nature thereof granting the Petitioner herein all post-retirement benefits accruing, including Gratuity and Leave encashments etc.;

h) Issue a Writ of Mandamus or any other writ or Direction to the Respondent No. 2 restraining from initiating any other proceedings against the Petitioner as the Petitioner has superannuated on 29.02.2024;

i) Pass any such other order(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the present case."

3. During the pendency of the writ petition, the petitioner has been served with a Memorandum of Charge dated 25.03.2025, under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. The accompanying statement of Articles of Charges refers to seven different charges against the petitioner.

4. It is contended by Mr. Ankit Roy, learned counsel for the petitioner, that the Memorandum of Charges is *ultra-vires* the powers of DAMB under the applicable rules, as the petitioner had already superannuated prior to issuance of the chargesheet. According to Mr. Roy, disciplinary proceedings had, therefore, not "*commenced*" during the period of his employment. He relies upon the judgment of the Supreme Court in *State Bank of India and Others v. Navin Kumar Sinha* [2024 SCC OnLine SC 3369] for this purpose.

5. By order dated 08.04.2025, having regard to the fact that counter affidavit to the writ petition had not been filed despite opportunity, DAMB was directed not to take further action in terms of the Memorandum dated 25.03.2025.



6. Upon hearing learned counsel for the parties, I am of the view that the challenge in this writ petition, so far as it relies upon the show cause notices, no longer survives, as the chargesheet has been issued on the basis of the same allegations. The order of suspension has also worked itself out as the petitioner has retired.

7. In these circumstances, the appropriate course is to direct the petitioner to respond to the chargesheet, reserving his right to take the question of jurisdiction before the Disciplinary Authority. The response to the chargesheet may be filed within two weeks from today, taking the issue of jurisdiction, and also dealing with the charges on merits. The Disciplinary Authority is directed to take a decision on the question of jurisdiction prior to proceeding with any inquiry into the merits of the charges. The petitioner's right to challenge the decision on this aspect, if it is adverse to him, remains reserved, and may be exercised in appropriate appellate proceedings after conclusion of the disciplinary proceedings, if necessary. The disciplinary proceedings be concluded within a period of six months from today.

8. The petition, alongwith the pending applications, is disposed of with these directions.

PRATEEK JALAN, J

OCTOBER 8, 2025/SS/AD/