



2025:DHC:11140-DB



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

+ **W.P.(C) 18687/2025**

COMDT PANKAJ PETER SHAH

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyaarth Sinha, Ms. Shradha Mewati,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC,
Mr. Surjeet Singh, GP, Mr. Siddharth Bajaj,
Advs.

INSP Athurv and Mr Ramniwas Yadav,
CRPF

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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09.12.2025

C. HARI SHANKAR, J.

1. This writ petition assails a Memorandum dated 10 March 2025¹, whereby major penalty proceedings under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965², were proposed to be initiated against the petitioner on charges contained in the Articles of Charge and Statement of Imputations of Misconduct, annexed to the charge-sheet.

2. The prayer clause in this writ petition reads as under:

¹ "the charge-sheet" hereinafter
² "CCS (CCA) Rules" hereinafter



“It is, therefore, humbly prayed that this Hon'ble Court may please to allow this writ petition and may further be please to:

- i. Issue a writ in the nature of Certiorari or any other appropriate writ, order or direction, thereby setting aside the impugned Memorandum of Charge No. D.IX-20/2023-CRC dated 10.03.2025 against the Petitioner under Rule 14 of the CCS (CCA) Rules, 1965 on the ground that the chargesheet has been issued in violation of Article 311 of the Constitution of India, as well as Rule 08, 12, 13 and 14 of the CCS CCA Rules.
- ii. Issue a writ in the nature of Certiorari or any other appropriate writ, order or direction, thereby directing the DO CRPF to supply original/certified copies of all documents, including the president's proposal letter, whereon the presiding officer of the court of inquiry was relied upon the Annexure-III and Annexure-IV forming part of the court of inquiry which is mentioned in the chargesheet issued by the DIG (CR & VIG) CRPF Directorate.
- iii. Pass any other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

3. Mr. Bhargava initially sought to contend that a preliminary enquiry, prior to institution of issuance of a charge-sheet was mandatory in terms of Rule 14(2)³ of the CCS (CCA) Rules.

³ 14. Procedure for imposing major penalties

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

Explanation.—

(i) Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.



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4. At a plain reading of Rule 14(2), there is no requirement of any preliminary enquiry being held before a charge-sheet is issued.
5. This position in law, moreover, stands settled by the judgments of the Supreme Court in *State of Telangana v. Managipet*⁴ and *CBI v. Thommandru Hannah Vijayalakshmi*⁵.
6. Mr. Bhargava's next argument was that his client has not been provided with the relevant documents, despite repeated requests having been made in that regard.
7. To our mind, a charged officer is entitled to three categories of documents in a disciplinary proceeding.
8. The first category of documents are documents which are enlisted along with the chargesheet and on which the charge-sheet places reliance to substantiate the charges against the charged officer.
9. In the present case, the said list of documents figures at Annexure-III to the charge-sheet.
10. Mr. Bhargava submits that his client has not been provided any of the documents, though Mr. Siddharth Bajaj, learned counsel appearing for Mr. Jagdish Chandra Solanki, learned CGSC, refutes the contention.

(ii) Where the disciplinary authority appoints a retired Government servant as inquiring authority, any reference in sub-rule (7) to subrule (20) and in sub-rule (22) shall include such authority.

⁴ (2019) 19 SCC 87
⁵ (2021) 18 SCC 135



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11. Be that as it may, we direct the respondent to provide one more set of the documents enlisted as Annexure-III to the charge-sheet.

12. The second category of documents, to which a charged officer is entitled, are documents on which the officer seeks to place reliance to substantiate his defence. It would be open to the petitioner to seek any such documents, if he so desires, from the Disciplinary Authority⁶. The request would have to state how and why the documents are felt necessary for the petitioner's defence. It would be for the DA to take a decision in that regard.

13. The third category of documents are documents on which the Inquiry Officer proposes to place reliance while issuing the Inquiry Report.

14. We are sanguine that the IO would not rely on any documents which are not provided to the petitioner.

15. That is all that we can do for the petitioner at this stage, when disciplinary proceedings are in progress.

16. It is settled law, in a plethora of judgments of the Supreme Court, including *Union of India v. Upendra Singh*⁷ and *Union of India v. Kunisetty Satyanarayana*⁸, that Court should not interfere with disciplinary proceedings mid-stream, unless the charge-sheet is issued without jurisdiction.

⁶ "DA" hereinafter

⁷ (1994) 3 SCC 357

⁸ (2006) 12 SCC 28



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17. This is not a case where there is any plea of want of jurisdiction in issuing the charge-sheet.

18. Accordingly, subject to the aforesaid observations, the writ petition is dismissed.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

DECEMBER 9, 2025

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