



2025:DHC:11635-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 18.12.2025***+ W.P.(C) 18786/2025 & CM APPL. 78178/2025
UNION OF INDIA THROUGH SECRETARY MINISTRY OF
FINANCE & ORS.PetitionersThrough: Ms.Manisha Agrawal Narain,
CGSC with Mr.Navneet
Saharan and Ms.Aditi Singh,
Advs.

versus

NARENDRA LAL MEENA & ANR.

.....Respondents

Through: Mr.M.K. Bhardwaj, Adv. along
with R-1 in person.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 07.08.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.994/2025, titled ***Narendra Lal Meena v. Union of India & Ors.***, whereby the learned Tribunal allowed the O.A. filed by the respondent no.1 herein with the following directions:

"15. In the light of the aforesaid facts and discussions, we are of the view that the present O.A. deserves to be partly allowed and the same is partly allowed with the following orders:-

- (i) *The impugned notice/order dated 05.03.2025 (Annexure A/1) is set aside.*
(ii) *Respondents are directed to reinstate the*



applicant.

(iii) The applicant shall be entitled for all consequential benefits i.e., continuity of service, arrears of back wages, etc.

(iv) The aforesaid directions shall be complied with by the respondents, as expeditiously as possible, and preferably within six weeks of receipt of a copy of this order. However, the respondents shall be at liberty to initiate disciplinary action against the applicant, if so advised, however, of course in accordance with the relevant rules and instructions on the subject.”

BRIEF FACTS:

2. To give a brief background of the facts from which the present petition arises, the respondent no.2- the Staff Selection Commission issued an advertisement for the conduct of the Combined Graduate Level Examination, 2023 (hereinafter referred to as the ‘CGLE’), in which the respondent no.1 participated and was declared successful. He was recommended for appointment to the post of Inspector (CGST and Central Excise). The respondent no.1 was issued an offer of appointment dated 12.02.2024, which he accepted, and he joined duty on 14.02.2024.

3. The petitioners, however, issued a Show Cause Notice dated 23.04.2025 to the respondent no.1 alleging, *inter alia*, as under:

“AND WHEREAS now, it is clear that Shri Narendra Lal Meeena (Roll No. 2201009503) acted as impersonator for the aforesaid 04 candidates of Multi Tasking Staff Examination 2022 Head Constable (AWO TPO) in Delhi Police Examination-2022 in violation of conditions had illegible the notice of the examination.

NOW THEREFORRE, Shri Narendra Lal Meeena (Roll No. 2201009503) S/o Sh. Nathu



Lal Meena, VPO Mahariya Tehsil- Lalsot, Distt- Dausa, Rajasthan-303504 is hereby directed show cause within ten (10) days from the date of issuance of this notice as to why his candidature for the Combined Graduate Level Examination, 2023 should not be cancelled and he should not be illegible from the examinations of the Commission for seven (07) years from the date of misconduct illegible 27-10-2022 when he first appeared as an Impersonator for Ashish (2407001684) a candidate illegible Constable (AWO IPO) in Delhi Police Examination-2022. In case of no response with illegible time, it will be presumed that he has nothing to say in this regard and accordingly his case illegible processed further in accordance with clause 18.1 of the examination notice for CGIL-2023."

4. Without holding any further inquiry into the matter, the petitioners issued a notice of Termination of Service dated 05.03.2025, under Rule 5(1) of the Central Civil Services (Temporary Services) Rules, 1965 (hereinafter referred to as the 'Rules'), thereby terminating the services of the respondent no.1, now alleging, *inter alia*, as under:

"2. Whereas, the SSC on the enquiry has observed that another candidate had acted as impersonator to Shri Narendra Lal Meena at all stages of examination. Upon detailed examination of the complaint by SSC, the following has been observed:-

i. The image/photos captured during the registration stage and the exit stage of all phases of the examination (Tier-I, II & DEST) seems to be mismatched and inconsistent with the photograph captured at the application stage. Further, additionally, the signature on the documents appears to be slightly different from that captured at the application stage.



ii. Thereafter, on further scrutiny of the available documents in the records of the commission, it has been noticed that an impersonator had appeared in place of Shri Narendra Lal Meena in all stages of the CGLE-2023. Further, it may also be noted that the same impersonator had earlier appeared for 04 candidates in various exams of SSC also. Image of the impersonator for those 04 candidates are also matched with images of Shri Narendra Lal Meena's impersonator. In brief, it has been observed that same person, who acted as impersonator for 04 candidates in various exam of SSC has also acted as impersonator for Shri Narendra Lal Meena in CGLE-2023.

3. Whereas, after thorough examination of documents available on records, it has been found that another candidate appeared in all the stages of CGEL-2023 examination in place of Shri Narendra Lal Meena. Further, it has also been found that the image/photos captured during the registration stage and the exit stage of all phases of the examination does not match with the photograph captured at the application stage. Further, the signatures on the various documents viz. Admission Certificates at various stages of the examinations are also slightly different from that captured at the application stage.”

5. Aggrieved by the above, the respondent no.1 filed the above O.A. before the learned Tribunal.

6. The learned Tribunal set aside the Impugned notice of Termination dated 05.03.2025, observing that the same was stigmatic in nature and, therefore, could not have been passed without conducting a proper inquiry.

7. Challenging the above Impugned Order passed by the learned Tribunal, the petitioners have filed the present petition.



SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS:

8. The learned counsel for the petitioners submits that the learned Tribunal failed to appreciate that the Impugned notice of Termination dated 05.03.2025 had been issued under Rule 5(1) of the Rules, which does not mandate the conduct of a detailed inquiry. She submits that the notice of Termination was not stigmatic in nature, but merely set out the reasons for which the said power was exercised by the petitioners. She further submits that there are grave allegations against the respondent no.1 that an impersonator had appeared for him in the examination, which is evident from the photographs taken at the time of the examination. She has also produced the same before us in the form of additional documents, which are taken on record.

9. She further submits that, insofar as the discrepancy between the Show Cause Notice and the notice of Termination is concerned, the petitioners have issued a revised Show Cause Notice dated 16.12.2025 to the respondent no.1.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS:

10. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that no interference is warranted with the Impugned Order passed by the learned Tribunal, inasmuch as not only is the notice of Termination stigmatic in nature, but also because the Show Cause Notice was based on allegations different from those contained in the eventual notice of Termination. He submits that while the Show Cause Notice alleged that the



respondent no.1 had impersonated for four other candidates and appeared in their examinations, the notice of Termination alleged that someone else had impersonated for the respondent no.1 in the said examination. He submits that the decision of the petitioners was, therefore, vitiated by arbitrariness and has rightly been set aside.

ANALYSIS AND FINDINGS:

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

12. At the outset, it would be appropriate to reproduce Rule 5(1) of the said Rules, which provides for the termination of temporary service. The same reads as under:

“5. TERMINATION OF TEMPORARY SERVICE.

(1) (a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month.

Provided that the services of any such Government servant may be terminated forthwith and on such termination, the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services, or as the case may be, for the period by which such notice falls short of one month.

NOTE:- The following procedure shall be adopted by the appointing authority while serving notice on such Government servant under clause (a).

(i) The notice shall be delivered or tendered to



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the Government servant in person.

(ii) Where personal service is not practicable, the notice shall be served on such Government servant by registered post, acknowledgement due at the address of the Government servant available with the appointing authority.

(iii) If the notice sent by registered post is returned unserved it shall be published in the Official Gazette and upon such publication, it shall be deemed to have been personally served on such Government servant on the date it was published in the Official Gazette.”

13. As reproduced hereinabove, the Show Cause Notice was issued on the allegation that the respondent no. 1 had impersonated for four other candidates by appearing in their examinations, whereas the notice of Termination is premised on an allegation that some other person had impersonated the respondent no. 1 in the CGLE, 2023. Clearly, therefore, the respondent no. 1 was not afforded any opportunity to put forth his case on the allegation on which the eventual action of termination was based. The very change in the basis of the notice of termination, underscores the necessity of conducting an inquiry when such grave allegations are levelled against a candidate. The petitioners must realise that such allegations may not only lead to the cancellation of appointment, but may also have serious civil and criminal consequences, in form of criminal prosecution and debarment proceedings.

14. The petitioners, in fact, appear to have realised their lapse and have issued a fresh Show Cause Notice dated 16.12.2025 to respondent no. 1.

15. The notice of Termination, therefore, could not have been



sustained and has rightly been set aside by the learned Tribunal.

16. Even otherwise, the notice of Termination was not simpliciter but was stigmatic in nature. It did not merely furnish the reasons for the action but constituted the very foundation of the same. The Supreme Court, in ***Ravindra Kumar Misra v. U.P. State Handloom Corpn. Ltd. & Anr.***, 1987 SCC OnLine SC 710, explained the distinction between the reasons constituting the foundation of a Termination and those operating merely as the motive behind it, holding that the action is punitive where the termination is founded on the allegations, and non-punitive where the allegations merely furnish the motive for such Termination. We quote from the judgment, as under:

“6. As we have already observed, though the provisions of Article 311(2) of the Constitution do not apply, the Service Rules which are almost at par make the decisions of this Court relevant in disposing of the present appeal. In several authoritative pronouncements of this Court, the concept of “motive” and “foundation” has been brought in for finding out the effect of the order of termination. If the delinquency of the officer in temporary service is taken as the operating motive in terminating the service, the order is not considered as punitive while if the order of termination is founded upon it, the termination is considered to be a punitive action. This is so on account of the fact that it is necessary for every employer to assess the service of the temporary incumbent in order to find out as for whether he should be confirmed in his appointment or his services should be terminated. It may also be necessary to find out whether the officer should be tried for some more time on temporary basis. Since both in regard to a temporary employee or an



officiating employee in a higher post such an assessment would be necessary merely because the appropriate authority proceeds to make an assessment and leaves a record of its views the same would not be available to be utilised to make the order of termination following such assessment punitive in character. In a large democracy as ours, administration is bound to be impersonal and in regard to public officers whether in government or public corporations, assessments have got to be in writing for purposes of record. We do not think there is any justification in the contention of the appellant that once such an assessment is recorded, the order of termination made soon thereafter must take the punitive character.”
(emphasis supplied)

17. Furthermore, this Court, in **Govt. of NCT of Delhi & Anr. v. Dalbir Singh**, 2023 SCC OnLine Del 5633, has elaborately discussed the concept of termination of a temporary employee under Rule 5(1) of the said Rules, and has held as under:

“ 11. The very concept of keeping an employee on probation is to give an employer an opportunity to observe the work and conduct, integrity, efficiency etc. of an employee in order to judge his suitability to the job, before permanently absorbing him in the services. Rule 5 (1) of CCS(Temporary Services) Rules, 1965 postulates that the services of a temporary Government servant or a probationer, can be terminated by the Appointing Authority forthwith and the Government servant on termination shall be entitled to claim sum for the period of notice. Apparently, the holding of inquiry has not been mandated though the termination of service may be preceded by an inquiry by the employer, only to ascertain whether the Government servant should be retained in service or not.
12. In order to attract the provisions of Article



311 (2) of the Constitution of India, it needs to be seen whether the 'misconduct' or 'negligence' was a mere 'motive' for the order of reversion or termination or whether it was the very 'foundation' of the said order. The form of the order may not be conclusive of its true nature and the Court can tear the veil behind a termination order, which is innocuous and discharge simpliciter, to examine the entirety of the circumstances preceding or attended to the order of termination. Termination simpliciter does not attract the provisions of Article 311 of the Constitution of India unless the termination involves 'stigma'.

13. The important principles, which are deducible on the concept of 'motive' and 'foundation' which have been repeatedly highlighted also stand reiterated in paragraphs 26 and 27 in Chandra Prakash Shahi v. State of U.P.(supra) and may be beneficially reproduced:

"26. The whole case-law is thus based on the peculiar facts of each individual case and it is wrong to say that decisions have been swinging like a pendulum; right, the order is valid; left, the order is punitive. It was urged before this Court, more than once including in Ram Chandra Trivedi case [(1976) 4 SCC 52 : 1976 SCC (L&S) 542 : AIR 1976 SC 2547 : (1977) 1 SCR 462] that there was a conflict of decisions on the question of an order being a simple termination order or a punitive order, but every time the Court rejected the contention and held that the apparent conflict was on account of different facts of different cases requiring the principles already laid down by this Court in various decisions to be applied to a different situation. But the concept of "motive" and "foundation" was always kept in view.

27. The important principles which are deducible on the concept of "motive" and "foundation", concerning a probationer, are that a probationer has no right to



hold the post and his services can be terminated at any time during or at the end of the period of probation on account of general unsuitability for the post in question. If for the determination of suitability of the probationer for the post in question or for his further retention in service or for confirmation, an inquiry is held and it is on the basis of that inquiry that a decision is taken to terminate his service, the order will not be punitive in nature. But, if there are allegations of misconduct and an inquiry is held to find out the truth of that misconduct and an order terminating the service is passed on the basis of that inquiry, the order would be punitive in nature as the inquiry was held not for assessing the general suitability of the employee for the post in question, but to find out the truth of allegations of misconduct against that employee. In this situation, the order would be founded on misconduct and it will not be a mere matter of "motive" ".

18. In the present case, applying the above test, it has to be held that the notice of Termination from service, was punitive in nature.

19. For the above reasons, we find no infirmity in the Impugned Order passed by the learned Tribunal.

20. The petition, along with the pending application is, accordingly, dismissed.

21. There shall be no order as to costs.

NAVIN CHAWLA, J

RAJNEESH KUMAR GUPTA, J

DECEMBER 18, 2025/ns/as/DG