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

Date of decision: 11.12.2025

+ W.P.(C) 183/2018
DELHI TRANSPORT CORPORATIONPetitioner
Through: Mr. L.K. Passi and Mr. Ruby,
Adv.

versus

SHIV RAJ MEENARespondent
Through: Mr. Manish, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 20.12.2016 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 100/1326/2016, titled *Shri Shiv Raj Meena v. Delhi Transport Corporation*, whereby the said O.A. was allowed.
2. The above O.A. had been allowed by the learned Tribunal placing reliance on its earlier Order dated 26.10.2016, passed in O.A. No. 100/2351/2015, titled *Hari Om Singh v. DTC & Ors.*, and on the premise that the respondent had been proceeded against for having possessed a fake driving licence.
3. Aggrieved by the said Order, the petitioner filed a review application being R.A. No. 96/2017, which also came to be dismissed



by the learned Tribunal *vide* its Order dated 02.05.2017. The said Order is also impugned before us.

4. The learned counsel for the petitioner submits that in the present case, the respondent had been proceeded against in the Departmental Inquiry for his unauthorized absence with effect from 25.04.2011, and in spite of the respondent being declared fit for joining duty by the DTC Medical Board, his failure to join the same led to a charge sheet being issued to him. Before the Inquiry Officer, the respondent admitted to the charges, based whereon the Disciplinary Authority, *vide* Order dated 28.03.2013, terminated the services of the respondent. The appeal filed by the respondent thereagainst was also dismissed by the Appellate Authority *vide* Order dated 24.07.2013. Another request dated 23.04.2015 was made by the respondent herein seeking withdrawal of the termination, which was rejected by the competent authority *vide* its Order dated 09.12.2015. Aggrieved thereby, the respondent had filed the above O.A.

5. The learned counsel for the petitioner submits that proper procedure was duly followed by the petitioner before terminating the services of the respondent, and that the disciplinary proceedings were concluded on the basis of the respondent's own admission of guilt.

6. He submits that the learned Tribunal first proceeded on an erroneous basis that this was a case connected with a batch of O.A. (s) relating to the respondent being proceeded against on the allegation of holding a fake driving licence, and when this mistake was pointed out to the learned Tribunal, it refused to review its Order by stating that no ground for review was made out.



7. On the other hand, the learned counsel for the respondent submits that the Order of termination was passed without holding any inquiry. The Order of the Disciplinary Authority, as well as that of the Appellate Authority contain no reasons. Therefore, the learned Tribunal in its Order dated 02.05.2017, while dismissing the review petition filed by the petitioner, held that even otherwise the entire inquiry proceedings and the Impugned Order terminating the services of the respondent were vitiated and could not be sustained.

8. We have considered the submissions made by the learned counsel for the parties.

9. While it is not disputed by the counsel for the respondent that the initial Order dated 20.12.2016 was passed on a wrong basis by the learned Tribunal, considering the case of the respondent to be one forming part of the batch of O.A.(s) that was disposed of by the learned Tribunal by the said Order, however, we may also note that while disposing of the review petition filed by the petitioner, the learned Tribunal has also gone into the merits of the matter. The learned Tribunal found in its Order dated 02.05.2017 that the Inquiry Officer had submitted his report based on some purported admission of the respondent, however, the same was not filed before the learned Tribunal. The learned Tribunal further found that the Order of the Appellate Authority had also not been produced before it.

10. Be that as it may, the learned counsel for the petitioner has produced before us the file containing the inquiry proceedings. From a perusal of the same, it would be apparent that the respondent had been denying the allegation of unauthorized absence and had also produced



medical certificates as justification for his absence. The inquiry officer, in his report dated 29.11.2011, which is a single-page report, finds the respondent guilty of the charge based on a purported admission of guilt by the respondent.

11. We have also seen the handwritten letter that has been relied upon as an admission of guilt by the respondent. The same states that while the respondent accepts the allegations against him and does not wish to have any inquiry conducted therein, he also stated that he has submitted his medical certificates with the petitioner, and looking into them, the case may be closed against him.

12. This was, therefore, not an unconditional acceptance of the charges by the respondent, but a case where the respondent was submitting justification for his absence. The same had to be enquired into by the Inquiry Officer to determine whether the respondent's absence was wilful in nature. The Inquiry Officer, however, proceeded on the basis that this was an acceptance of the charges by the respondent and required no further inquiry. The report came to be accepted by the Disciplinary Authority by way of an unreasoned Order and by the Appellate Authority again without giving any reasons.

13. The learned Tribunal, therefore, in our opinion, rightly held in its Order dated 02.05.2017 that this was a case where there was a violation of the principles of natural justice and the procedure.

14. In view of the above, we find no infirmity in the Order passed by the learned Tribunal. The petition is accordingly dismissed.

15. The petitioner must implement the Order of the learned



2025:DHC:11410-DB



Tribunal within a period of eight weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 11, 2025/prg/Rm/SS

Signature Not Verified

Signed By:RENUKA W.P.(C) 183/2018
NEGI
Signing Date:17.12.2025
19:16:01

Page 5 of 5