



\$~50

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

+ **W.P.(C) 2762/2026**

SHRI ASHOK KUMAR RANA

.....Petitioner

Through: Mr. Ahanthem Henry and Mr. Aniket
Rajput, Advocates.

versus

DELHI PUBLIC SCHOOL, VASANT KUNJ & ORS.

.....Respondents

Through: Mr. Puneet Mittal, Sr. Advocate with
Ms. Sakshi Mendiratta, Advocate for
R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **27.02.2026**

1. The Petitioner was working as a Caretaker with Respondent No. 1 (Delhi Public School, Vasant Kunj) since 1st July, 1984. In May 2005, the Principal of the School received a complaint alleging that the Petitioner had accepted a sum of INR 1.5 lakhs from an individual on the representation that he would arrange admission of a student in Class II. An internal enquiry was initiated, and the matter was also reported to the police. This culminated in registration of FIR No. 345/2005 at P.S. Vasant Kunj (North) under Sections 420/120B IPC.

2. Simultaneously, the School issued a memorandum dated 14th October, 2005, containing articles of charge alleging misconduct, namely that the Petitioner had accepted INR 1.5 lakhs for arranging admission of a relative's



child in Class II. The Petitioner submitted a response to the charge memorandum on 28th October, 2005. The explanation was found unsatisfactory and an enquiry was conducted. The Enquiry Officer submitted a report dated 23rd March, 2009 holding the charges to be proved. Based on the said report, the Disciplinary Authority resolved to dismiss the Petitioner. Accordingly, by order dated 18th August, 2009, the Petitioner was dismissed from service. An amount equivalent to one month's salary was remitted to him in compliance with the applicable statutory requirements.

3. Aggrieved by the dismissal, the Petitioner approached Labour Court-XIX, Karkardooma Courts, Delhi on 24th September, 2009, challenging the action of the management. The dispute was adjudicated in LIR/D No. 839/2011 (Unique Case ID No. 02402C0 284422009).

4. The Labour Court, by order dated 31st July, 2013, upheld the dismissal. The relevant observations read as under:

"13. The act of the workman on which he was held guilty and dismissed from service cannot be taken in a lighter vein and is a example of gross misconduct. The punishment of dismissal imposed upon the workman on the basis of the said allegation can neither be said to be grossly disproportionate, harsh or shocking to judicial conscience and therefore, there is no reason for this court to interfere in the punishment so awarded to the workman. The same is accordingly upheld. The pendency of the criminal proceedings against the workman are inconsequential for the purposes of the present proceedings.

The other issues framed on 10.05.2010 have become redundant in view of the above observation.

The claim is decided accordingly. Let copy of this order be sent for publication and case file be consigned to record room."

[Emphasis Supplied]

5. The Petitioner did not challenge the aforesaid order and the same attained finality.

6. Insofar as the criminal proceedings are concerned, the Petitioner



initially moved an application under Sections 320 and 482 CrPC before the Metropolitan Magistrate, Saket Courts, seeking compounding of the offence. The said application was dismissed on 22nd February, 2011. The criminal trial proceeded and, by judgment dated 27th October, 2023, the Petitioner was acquitted of the charges under Sections 420/120B IPC. The appeal preferred by Respondent No. 1 (Criminal Appeal No. 24/2024) was dismissed by the Sessions Court on 22nd January, 2025. It is stated that a revision petition (CRL. REV. P. 436/2025), titled ***Delhi Public School Vasant Kunj v. State Govt. of NCT of Delhi & Anr.*** has since been filed before this Court and is pending consideration.

7. In this backdrop, the present petition has been filed seeking reinstatement with continuity of service and consequential benefits. The principal plank of the Petitioner's case is that his acquittal in the criminal proceedings obliterates the foundation of the disciplinary action. It is urged that the misconduct alleged in the departmental proceedings arose out of the same set of facts that formed the subject matter of the FIR. Since the criminal charge could not be proved, the stigma against the Petitioner no longer survives and he is entitled to reinstatement. It is further contended that the dismissal was effected without awaiting the outcome of the criminal trial and was also not duly approved by the competent authority.

8. Mr. Puneet Mittal, Senior counsel who represents Respondent No. 1, submits that the petition is wholly misconceived. It is contended that acquittal in criminal proceedings does not automatically entitle an employee to reinstatement. The standard of proof in criminal law, proof beyond reasonable doubt, is fundamentally distinct from the standard applicable in departmental proceedings, which is that of preponderance of probabilities.



Moreover, the dismissal was specifically challenged before the Labour Court, which upheld the disciplinary action. The Petitioner accepted the said decision and cannot now reopen the issue on the basis of subsequent acquittal in the criminal proceedings.

9. The Court has considered the rival submissions. The dismissal order dated 18th August, 2009 was subjected to adjudication before the Labour Court, which upheld the finding of misconduct and the punishment imposed. The Petitioner did not challenge the said order. Consequently, the findings recorded in the disciplinary proceedings attained finality as early as 2013.

10. It is settled that departmental proceedings and criminal trials operate in distinct spheres. The standard of proof in a criminal case is proof beyond reasonable doubt, whereas in disciplinary proceedings it is preponderance of probabilities. An acquittal in a criminal case does not *ipso facto* render the findings in departmental proceedings invalid, particularly where such findings have already been upheld by a competent forum and have attained finality.

11. In the present case, the Labour Court specifically observed that pendency of the criminal proceedings was inconsequential to the adjudication of the industrial dispute. The dismissal was upheld on merits. The Petitioner, having accepted that decision, cannot now seek to indirectly reopen concluded proceedings by relying on a subsequent acquittal.

12. In view of the above, the Court finds no merit in the present petition.

13. Dismissed.

SANJEEV NARULA, J

FEBRUARY 27, 2026/hc