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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4164/2026 & CM APPL. 20369/2026**
DHARMENDRA KUMAR ARYAPetitioner

Through: Mr. Atul Batra and Mr. Kundan Kr.
Mishra, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents
Through: Ms. Rachita Garg and Ms. Varsha
Kumari, Advocates for GNCTD.
Mr. Sandeep Prabhakar, Senior
Advocate with Mr. Vikas Mehta,
Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
01.04.2026

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1. The Petitioner joined Delhi Vidyut Board [“DVB”] (erstwhile Delhi Electricity Supply Undertaking) as Junior Engineer (E) in the year 2000. Pursuant to Power Sector reforms, the DVB was unbundled into multiple successor entities, and in terms thereof, the Petitioner is presently employed with BSES Yamuna Power Limited, arrayed as Respondent No. 2.
2. The present petition is directed against a Memorandum of Charge dated 3rd November, 2025, issued to the Petitioner by Respondent No. 2, whereby disciplinary proceedings have been initiated. The statement of imputations accompanying the said memorandum relates to the Class 10th certificate furnished by the Petitioner at the time of his initial appointment, wherein he claimed to have passed the examination in the year 1984.



3. The allegation of Respondent No. 2 is that the said certificate is not genuine and that the Petitioner secured employment and subsequent benefits, including a Diploma in Electrical Engineering, on the basis of a false representation. Such conduct is alleged to constitute grave misconduct, lack of integrity, and violation of the provisions of the Central Civil Services (Conduct) Rules, 1964.
4. The Petitioner has submitted a preliminary response to the impugned memorandum denying the allegations.
5. Mr. Atul Batra, counsel for the Petitioner, submits that the initiation of disciplinary proceedings is highly belated, having been commenced after more than two decades from the date of appointment. It is further contended that the proceedings have been triggered on the basis of an anonymous complaint and without proper verification from the issuing authority, i.e., the Central Board of Secondary Education [“CBSE”].
6. It is further submitted that the Petitioner is unable to presently trace the original Class 10th certificate, which, nonetheless was duly verified at the time of his appointment and forms part of the Respondents’ records. In this regard, the Petitioner has approached CBSE for issuance of a duplicate certificate. The response dated 15th September, 2025, received from CBSE indicates that the relevant records are presently not traceable and are in the process of being located, whereafter the request for issuance of a duplicate certificate would be considered.
7. On the strength of the above, it is urged that initiation and continuation of disciplinary proceedings at this stage, premised on an unverified and inconclusive factual foundation, would result in grave prejudice to the Petitioner.



8. On the other hand, Mr. Sandeep Prabhakar, Senior Counsel for Respondent No. 2, submits that in view of the Petitioner's inability to produce the original certificate, the Respondent was justified in initiating verification. It is submitted that the proceedings were preceded by a preliminary fact-finding exercise and that the vigilance department is presently coordinating with CBSE to ascertain the authenticity of the certificate.

9. Heard. The disciplinary proceedings have been initiated after a considerable lapse of time, and more importantly, the foundational issue regarding the authenticity of the certificate remains inconclusive. The response from CBSE, as placed on record, does not affirm the allegation of falsity but indicates that the relevant records are presently not traceable.

10. In these circumstances, this Court is of the view that continuation of the disciplinary proceedings, in the absence of a definitive determination from the issuing authority, would not be appropriate at this stage. However, at the same time, this Court is not inclined to interdict the proceedings altogether, particularly when verification from CBSE is still underway.

11. Accordingly, the present petition is disposed of with the following directions:

11.1. The disciplinary proceedings initiated pursuant to the Memorandum of Charge dated 3rd November, 2025 shall remain in abeyance till such time Respondent No. 2 obtains a conclusive verification from CBSE regarding the authenticity of the Petitioner's Class 10th certificate.

11.2. Upon receipt of such verification, Respondent No. 2 shall take a considered decision on whether the disciplinary proceedings are to be continued. In the event the verification is adverse to the Petitioner, a copy



thereof shall be furnished to him, and he shall be granted an opportunity to respond, whereafter the proceedings may continue in accordance with law.

12. At this stage, this Court also considers it apposite to deal with the Petitioner's contention regarding lack of competence of the authority issuing the impugned Memorandum of Charge. It is contended that the Chief Human Resource Officer [“CHRO”] of Respondent No. 2, being the Appellate Authority, could not have issued the charge memorandum.

13. This contention does not merit acceptance. The schedule of delegation of powers governing disciplinary matters indicates that officers higher than the competent authority are also empowered to act as the disciplinary authority in appropriate circumstances, including in the absence of the competent authority. In such a situation, the Appellate Authority would correspondingly shift to the next higher authority. Merely because the CHRO is designated as the Appellate Authority would not, *ipso facto*, render the issuance of the charge memorandum without jurisdiction.

14. This position is supported by the judgment of the Supreme Court in ***Commissioner of Police v. Jayasurian & Anr.***¹, wherein it has been held that initiation of disciplinary proceedings can be undertaken by a superior authority competent to exercise control over the delinquent officer. The relevant paragraphs are extracted as under:

“6. We have heard Shri A. Mariaputham, the learned counsel for the appellant and Shri Gaurav Banerjee, the learned counsel for the respondents.

7. As regards the first ground given by the Tribunal, we find that the matter is covered by the decision of this Court in *Inspector General of Police v. Thavasiappan*, wherein, construing the rules applicable in this case, it has been held that any superior authority who can be held to be the C controlling authority can initiate a departmental proceeding and issue the charge memo and that initiation of a departmental proceeding and conducting an enquiry

¹ (1997) 6 SCC 75.



can be by authority other than the authority competent to impose the proposed penalty.”

15. All other contentions of the parties, including those relating to procedural irregularities, are left open to be urged at an appropriate stage, if necessary, in accordance with law.

16. The petition is disposed of in the above terms along with the pending application.

SANJEEV NARULA, J

APRIL 1, 2026
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