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

+ **W.P.(C) 5137/2026 & CM APPL. 25114/2026**

DEVENDER SINGH

.....Petitioner

Through: Mr. D.K. Sharma, Ms. Seema,
Advocates.

versus

UNION OF INDIA AND ANR

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.04.2026

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1. The Petitioner was employed as a Time Keeper with Respondent No. 2 (M/S Hotel Corporation Of India Ltd., The Centaur Hotel). In or about March, 1998, the Petitioner was placed under suspension pending disciplinary proceedings, and was subsequently charge-sheeted for acts of misconduct falling under Regulation 60 of the HCI Ltd. Employees' Service Regulations.
2. Disciplinary proceedings were thereafter conducted against the Petitioner, culminating in an order dated 10th January, 2003, whereby the Petitioner was dismissed from service under Regulation 78(g) of the said Regulations.
3. The Petitioner preferred an appeal against the aforesaid order of dismissal; however, the same came to be rejected by the Appellate Authority in April, 2003.



4. Parallely, the Petitioner was subjected to criminal prosecution in cases registered by the Central Bureau of Investigation, being RC Nos. DAI-1998-A-0064 and DAI-1998-A-0068 of the year 1998.

5. The said criminal proceedings have since culminated in a judgment dated 29th November, 2025, whereby the Petitioner has been acquitted of the charges levelled against him. Relying upon the said acquittal, the present writ petition has been instituted, assailing the dismissal order dated 10th January, 2003.

6. At the outset, it is necessary to note that the Petitioner had earlier challenged the very same dismissal order by way of *W.P.(C) 7344/2003* before this Court. The said petition came to be dismissed for non-prosecution on 21st March, 2006 on account of non-appearance of counsel. Admittedly, no steps were taken by the Petitioner for nearly two decades thereafter to seek restoration of the said petition. The present petition is conspicuously silent as to any explanation for this prolonged inaction.

7. The principal submission advanced on behalf of the Petitioner is that the subsequent acquittal in the criminal proceedings furnishes a fresh cause to assail the dismissal order. This contention does not merit acceptance. The doctrine of delay and laches cannot be obviated by placing reliance upon a subsequent acquittal, particularly in a case where the Petitioner had earlier invoked the writ jurisdiction of this Court and failed to prosecute the same. The acquittal does not, in the facts of the present case, revive a stale cause of action.

8. Even otherwise, it is well settled that the standard of proof in criminal proceedings, proof beyond reasonable doubt, is distinct from that applicable to departmental proceedings, which are governed by the principle of



preponderance of probabilities.¹ An acquittal in a criminal case, therefore, does not *ipso facto* vitiate disciplinary action.

9. Having regard to the inordinate and wholly unexplained delay of over two decades in re-agitating the challenge to the dismissal order, this Court finds no justification to entertain the present petition. The present attempt, after such prolonged inaction and without any explanation whatsoever, is nothing but an effort to reopen a concluded matter. Entertaining such a belated challenge would be contrary to the settled principles governing delay and laches and would defeat the finality in service matters.

10. In light of the foregoing, the present petition is dismissed along with pending application(s).

SANJEEV NARULA, J

APRIL 17, 2026/ab

¹ *Ajit Kumar Nag v. General Manager (PJ), Indian Oil Corp. Ltd., Haldia & Ors.* (2005) 7 SCC 764.