



2026:DHC:4268



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

% **Reserved on: 7th May, 2026**

Pronounced on: 14th May, 2026

+ **RFA 421/2026**

RAVINDER SINGH

S/o Late Jai Singh
R/o H.No.252/20, Om Nagar,
Gurugram, Haryana.

.....Appellant

Through: Appearance not given.

versus

PRAVEEN KUMAR SHARMA

Foreman - Tank Electronics Group
505 Army Base Workshop (EME),
Delhi Cantt., Delhi.

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

1. Regular First Appeal under Section 96 read with Order XLI Rule 1 of the Code of Civil Procedure, 1908 (*hereinafter referred to as "CPC"*) has been filed on behalf of the Appellant against the Judgment and Decree dated 13.03.2026, passed by the learned District Judge-01, Patiala House Courts, New Delhi in CS No. 450/2025 titled "Ravinder Singh vs. Praveen Kumar Sharma", *whereby the Suit filed by the Appellant/Plaintiff seeking damages and compensation in the sum of Rs. 10,00,000/- on account of alleged false and defamatory statements made by the Respondent/Defendant during departmental proceedings, was dismissed as barred by limitation.*



2. The Plaintiff had filed a Suit CS No. 450/25 for damages and compensation.
3. The *facts in brief* are that *the Plaintiff* was appointed on 29.06.2010, as Telecom Mechanic (TCM), Group C civilian employee, at 505 Army Base Workshop, Delhi Cantonment, New Delhi (*hereinafter referred to as "the department"*) and was subsequently promoted to TCM-HSG-1, on 29.12.2016 w.e.f. 30.08.2014.
4. *The Defendant* was appointed as TCM, Tank Electronics Group in the year 1987, at the same establishment and has been continuously working with the Plaintiff, since 29.06.2010. The Defendant was promoted as Master Craftsman in 2018, thereafter elevated to Chargeman and is presently serving as Foreman, Tank Electronics Group at the department.
5. A *Show Cause Notice* dated 01.07.2022 was served upon the Plaintiff by the Department, alleging that the Medical Certificates submitted by him for availing medical leave of 65 days, were fake. It was pointed out in the said Show Cause Notice that the credentials of the issuing doctors, namely Dr. A.K. Yadav and Dr. Rajendra Prasad, were verified from the Haryana Medical Council and found to be non-genuine.
6. The Plaintiff filed his reply to the said Show Cause Notice on 15.07.2022, stating that he had been under the *bona fide* treatment of the aforesaid doctors from 29.04.2021 to 12.08.2021, and had submitted the prescriptions and *Lab Test Reports* to the Department, in good faith.
7. Despite the Reply, a *Preliminary Inquiry* was initiated against the Plaintiff *vide* Convening Order dated 17.08.2022 and a Court of Enquiry was constituted.



8. A Memorandum dated 06.02.2023 was thereafter, issued to the Plaintiff framing *charges of gross misconduct* for having submitted fake Medical Certificates, in support of leave Applications for 65 days, in violation of Rules 3(1)(iii), (vi) and (xviii) of CCS (Conduct) Rules, 1964.

9. The Defendant, who was then working as Chageman with the Department, appeared as a witness in the enquiry and made his deposition on 10.11.2022. The Defendant deposed that the Plaintiff came to office rarely and attended duty for only 4-5 days a month and was a habitual absentee. The relevant portion of the Defendant's deposition dated 10.11.2022, as translated, reads as under:

"Q. How is Sh. Ravinder Singh's work?

A. Ravinder Singh comes to the office rarely and only 4-5 days in a month.

Q. Is Sh. Ravinder Singh used to taking holidays?

A. Yes. He takes a lot of leave and when he comes to duty, he usually takes CPRO or Half CL.

Q. Did Sh. Ravinder Singh ever tell you about his illness?

A. No.

Q. Have you ever found Sh. Ravinder Singh in his sick state?

A. No."

10. The Enquiry Officer, Mr. N.K. Verma, concluded the enquiry with a finding that the Plaintiff was guilty of furnishing false documents and was a habitual absentee. The Plaintiff has claimed that the findings returned by the Enquiry Officer holding him guilty of gross misconduct, were substantially



influenced by the deposition made by the Defendant during the enquiry proceedings.

11. The disciplinary Authority *vide* final Order dated 29.10.2024, rejected the Enquiry Report, categorically observing that no charge was substantiated against the Plaintiff, and dropped the *disciplinary proceedings instituted through Memorandum of Charge dated 06.02.2023*.

12. The Plaintiff claimed that the defendant had deliberately made false statements during the departmental enquiry, with the intention to prejudice the proceedings against him. It was further alleged that the Defendant incorrectly stated that he knew the Plaintiff only since 2016, whereas both had been working together since 2010, when the Plaintiff joined the department.

13. Furthermore, the Defendant was fully aware of the Plaintiff's medical condition as well as the matrimonial proceedings pending between the Plaintiff and his wife; yet deliberately suppressed this knowledge, to prejudice the enquiry against the Plaintiff. Further, it has been alleged that the Defendant had made adverse disclosures regarding the Plaintiff before his wife, despite being aware of matrimonial disputes pending between them.

14. The Plaintiff has claimed that due to the *false testimony of the Defendant, he suffered mental agony, harassment and trauma for over two years and his reputation was tarnished amongst his colleagues and superiors*. The Plaintiff, being the sole breadwinner of his family, lived under constant fear of loss of livelihood, throughout the pendency of the proceedings.



15. On these assertions, the Plaintiff instituted the present *Suit seeking damages and compensation quantified at Rs.10,00,000/-*.

16. The **learned Trial Court**, *vide* the impugned Judgment dated 13.03.2026, dismissed the Suit by holding that the claim of the Appellant/Plaintiff was essentially founded on defamation and consequently governed by Articles 75 and 76 of the Schedule to the Limitation Act, 1963. It was observed that the alleged defamatory statement was made on 10.11.2022, whereas the Suit had been instituted on 11.09.2025 and was thus barred by limitation.

17. The learned Trial Court further observed that the Appellant/Plaintiff had failed to lay any factual foundation for maintaining a claim founded on malicious prosecution, inasmuch as the Respondent/Defendant had merely deposed as a witness during departmental proceedings and there were no pleadings to show that the Respondent/Defendant had instituted or actively set the proceedings in motion against the Appellant/Plaintiff. *The suit was accordingly, dismissed.*

18. *Aggrieved thereby, the Plaintiff has preferred the present Regular First Appeal.*

19. The **grounds of challenge** are that the learned District Judge erred in treating the suit as one for defamation, by selectively relying upon paragraphs 15 and 16 of the plaint, while ignoring the pleadings as a whole. It is contended that the Suit was primarily for damages arising out of false evidence given by the Defendant in the departmental proceedings and was accordingly governed by the residuary Article 113 of the Limitation Act, 1963 providing a period of three years. It is alternatively contended that even if the suit is treated as one for malicious prosecution, Article 74 of the



Limitation Act would be applicable and the cause of action arose only upon the exoneration of the Plaintiff, *vide* Order dated 29.10.2024, making the suit filed on 11.09.2025 well within limitation.

Submissions heard and record perused.

20. *Essentially, the core question that arises for consideration in the present appeal is whether the learned District Judge was correct in holding the suit, to be barred by limitation.*

21. It is a settled principle of law that the nature of a suit is to be determined from the *pith and substance* of the pleadings as a whole and not merely from the label or the relief claimed.

22. A perusal of the Plaint reveals that the grievance of the Plaintiff is that the *Defendant made a false and malicious statement in the departmental enquiry on 10.11.2022* which damaged his reputation. The Plaintiff has characterised the Defendant's act in paragraphs 15 and 16 of the plaint which read as under:

*“15. That the **defamatory deposition of the defendant** has tarnished the reputation of the plaintiff amongst his colleagues, superiors and in the eyes of the department, thereby lowering his image and professional standing.*

*16. That the **defendant's act is wilful, intentional, malicious, unethical and defamatory, falling within the scope of civil wrong (tort of defamation), making him liable to compensate the plaintiff for the irreparable loss of reputation and mental agony suffered.”***



23. A bare reading of the aforesaid paragraphs, leaves no manner of doubt that the Plaintiff himself has expressly pleaded defamation, as the cause of action and the foundation of his claim for damages.

24. The argument that the Suit was primarily for damages arising out of false evidence, is not borne out from the pleadings. No independent cause of action distinct from defamation, has been pleaded anywhere in the Plaint. *The injury pleaded throughout is harm to the reputation and mental peace, which are the ingredients of a Suit for defamation.* The mere fact that the alleged defamatory statement was made in the course of a departmental enquiry, does not alter the essential nature of the cause of action.

25. The argument that the learned District Judge selectively relied upon paragraphs 15 and 16 ,while ignoring the pleadings as a whole is therefore, without merit. Paragraphs 15 and 16 do not introduce a new cause of action; they merely give explicit expression to what has been pleaded throughout the plaint. The learned District Judge was therefore, entirely justified in relying upon them.

26. Having determined that the Suit is one for defamation, the next question is which article of the Limitation Act, 1963 governs the period of limitation. Articles 75 and 76 of the Schedule to the Limitation Act, 1963 are relevant and read as under:

Description of Suit	Period of Limitation	Time from which period begins to run
Art. 75 — For compensation for libel	One year	When the libel is published



Art. 76 — For compensation for slander	One year	When the words are spoken or, if the words are not actionable in themselves, when the special damage complained of results.
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27. Since Articles 75 and 76 specifically cover Suits founded on defamation, they are squarely applicable to the present suit. The argument that the residuary Article 113 providing three years limitation is applicable, has no merit as the residuary article applies only where no specific article covers the suit. *Articles 75 and 76 being specific provisions, Article 113 has no application whatsoever.*

28. The next contention that the cause of action arose only on 29.10.2024 when the disciplinary proceedings were dropped, is also without merit. In a suit for defamation, the cause of action accrues on the date the defamatory statement is made. The Plaintiff was personally present throughout the Departmental proceedings and was fully aware of the Defendant's statement on 10.11.2022, itself. The absolution of the Plaintiff on 29.10.2024, is a subsequent event in the departmental proceedings and has no bearing on the accrual of cause of action in a Suit for defamation.

29. The argument that the reply to the RTI application dated 10.12.2024 was necessary before the Suit could be filed, is equally without merit. The Plaintiff being a party to the Departmental proceedings had full and direct knowledge of the Defendant's deposition and was not required to await any RTI reply, to institute the suit.



30. The *argument of continuing wrong, is also unsustainable*. The making of a statement in an enquiry, is a single completed act on a specific date. It does not recur as a fresh wrong each day, thereafter. The doctrine of continuing wrong has therefore, no application to the facts of the present case.

31. The Appellant/Plaintiff has alternatively sought to invoke Article 74 by urging that the *Defendant is liable for malicious prosecution. Defamation and malicious prosecution are two distinct torts, with entirely different ingredients*. Defamation consists in the making of a false statement that injures the reputation of another. Malicious prosecution, on the other hand, requires that the Defendant was actively instrumental in setting the law in motion against the Plaintiff, without reasonable and probable cause and with malice. *The two causes of action are fundamentally different and one cannot be substituted for the other.*

32. To sustain a plea of malicious prosecution, it is essential that the plaintiff specifically pleads that the Defendant was actively instrumental in setting the law in motion, against him. The Departmental proceedings were admittedly initiated by the Department itself *vide* Show Cause Notice dated 01.07.2022. The Defendant's role was confined to deposing as a witness, on 10.11.2022. The plaintiff has nowhere in the plaint averred that the Defendant was responsible for initiating the proceedings against him. In the absence of such foundational pleading, the suit cannot be asserted to be based on malicious prosecution.

33. Even assuming that the Defendant made a false statement, but it does not and cannot constitute malicious prosecution. Defamation, perjury and malicious prosecution are distinct wrongs operating in entirely different



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legal domains and one cannot be pressed into service to sustain the other. The attempt to invoke Article 74 therefore, is only to overcome the bar of limitation.

34. Since the alleged defamatory statement was made on 10.11.2022, the period of one year under Articles 75 and 76, expired on 09.11.2023. The Suit was filed on 11.09.2025, nearly two years after the expiry of the period of limitation. The learned District Judge was therefore, entirely justified in dismissing the suit, **as barred by limitation**.

35. In view of the above, the Regular First Appeal is **dismissed**, as being without merit. Pending Applications, if any, are also disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

MAY 14, 2026/va/RS