



2026:DHC:4529-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6501/2026, CM APPLs. 32047/2026 & 32048/2026**
DELHI JAL BOARDPetitioner

Through: Mr. Kunal Anand, Adv.

versus

RAM KISHANRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **18.05.2026**

C. HARI SHANKAR, J.

1. The respondent, who was a *Beldar* in the Delhi Jal Board¹, retired on attaining superannuation on 31 December 2019.

2. From 19 October 2013 to 25 November 2018, the respondent remained absent from work on the ground that he was seriously unwell. As has been noted by the Central Administrative Tribunal² in the judgment dated 23 May 2025, under challenge before us, the respondent informed the DJB from time to time about his medical condition. Consequent on recovery, the respondent joined duty on 26 November 2018.

¹ "DJB", hereinafter
² "the Tribunal", hereinafter



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3. On 14 June 2019, the respondent was visited with a charge sheet proposing to institute major penalty proceedings against him for remaining absent from duty without due authorization for the period 19 October 2013 to 25 November 2018. An Inquiry Officer was appointed, who, *vide* his Inquiry Report dated 25 March 2021, held the charges against the respondent to have been proved. A copy of the Inquiry Report was forwarded to the respondent on 24 June 2021, to which the respondent replied on 30 June 2021.

4. By order dated 22 April 2022, the Member (Admn.) in the DJB penalized the respondent with a 20% cut in pension for a period of five years, with the further direction that the period of his absence from service would be treated as *dies non* for all purposes.

5. The respondent challenged the aforesaid decision before the Tribunal by way of OA 959/2024.

6. By judgment dated 23 May 2025, under challenge in the present writ petition at the instance of the DJB, the Tribunal has quashed the punishment awarded to the respondent on the ground that it was awarded by an incompetent authority. The Tribunal has noted that Office Order No. 51 dated 4 March 2021, which was in force on the date when punishment was awarded to the respondent, envisaged, in the case of retired Group A, B and C employees of the DJB, the Board as the competent Disciplinary Authority who could award punishment. As such, the Tribunal has held that the punishment as awarded by the Member (Admn.) was without jurisdiction. The DJB has, however, been granted liberty to proceed afresh against the



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respondent in accordance with law.

7. We may reproduce, for ready reference, Office Order No. 51 as under:

“Office Order No: 51

Dated: 04.03.2021

The Delhi Jal Board vide its Resolution No. 1079 Item No. Admn. 505 dated 04.02.2021 has approved the delegation of Disciplinary Powers in respect of DJB employees as under:-

Description of Post/ Category	Penalties	Competent Disciplinary Authority		Competent Appellate Authority		Competent Revisionary Authority	
		Existing	Proposed	Existing	Proposed	Existing	Proposed
Category 'A' (Pay Matrix- Level 10 to 14)	Minor (i to iv)	Member (A)	Member (A)	CEO	CEO	Board	Chairperson
	Major (v to ix)	CEO	CEO	Board	Chairperson	--	
Category 'B' (Pay Matrix- Level 06 to 09)	Minor (i to iv)/ Major (v to ix)	Member (A)	Member (A)	CEO	CEO	Board	Chairperson
Category 'C' (Pay Matrix- Level 01 to 05)	Minor (i to iv)	CE/ Director	Director (A&P)	Member (A)	Member (A)	CEO	CEO
	Major (v to ix)	Member (A)	Member (A)	CEO	CEO	Board	Chairperson
Retired official in Category A, B & C against whom charge sheet is issued or disciplinary action is contemplated after their retirement	Major	Board	CEO	---	Chairperson	--	

2. The above delegation will *mutatis mutandis* apply to all the pending disciplinary cases/ appeals in supersession of all previous circulars/ orders including Board's resolution No. 1730 dated 13.01.2009 issued in this respect.”

8. The petitioner moved RA 189/2025, seeking review of the

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impugned judgment dated 23 May 2025. In the Review Application, it was sought to be contended that Office Order No. 51, by inadvertence, referred to the Board as being the competent Disciplinary Authority for retired Group A, B and C officers of the DJB. It was sought to be submitted that the Office Order was based on Resolution dated 4 February 2021 of the DJB, which empowered the Member (Admn.) to exercise disciplinary powers for retired officials. It was sought to be contended that this error was rectified by way of a Corrigendum *vide* Office Order No. 60 dated 15 October 2025, which read thus:

“Corrigendum to Office Order No. 51 dated 04.03.2021

As already approved by the Board in the 155th meeting held on 04.02.2021 vide Resolution No. 1079 Item No. Admn. 505, following shall be inserted before para 2 of Office Order No. 51 dated 04.03.2021, retrospectively w.e.f. the date of issuance of Office Order No. 51 i.e. 04.03.2021:

“Retired Officials in Category A, B & C against whom charge sheet had been issued prior to their retirement. Board delegates its power to the respective Disciplinary Authorities as if the concerned officials continued to be in service.”

This issues with the approval of Competent Authority.”

9. The Tribunal has dismissed the Review Application, resulting in the DJB petitioning this Court.

10. Having heard learned Counsel, we find no case for interference.

11. We fail to understand how the Board, in its 155th meeting *dated 4 February 2021*, could have approved the insertion, before para 2 of



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Office Order No. 51 *dated 4 March 2021*, of the part of the paragraph in quotations in the Corrigendum dated 15 October 2025, much less retrospectively. Clearly, unlike Office Order No. 51 dated 4 March 2021, Office Order No. 60 dated 15 October 2025, which was issued more than four years after Office Order No. 51 dated 4 March 2021, and purported to be in the nature of a Corrigendum, was issued without any prior approval for its issuance, by any resolution of the Board of the DJB.

12. Even if, for the sake of argument, Office Order No. 51 dated 4 March 2021 were to be amended by adding the paragraph in quotes in the Corrigendum dated 15 October 2025, it is clear that there is no justification for applying the said the amendment retrospectively, especially as there is no Board resolution, or any other decision at the administrative level, approving retrospective operation of the amendment, brought to the notice either of the Tribunal or of this Court.

13. There is no reason for us to presume that there was an inadvertent omission, in the Office Order No. 51 dated 4 March 2021. Even assuming that it was an error, inasmuch as it results in civil consequences, the subsequent decision contained in Office Order No. 60 dated 15 October 2025 could not be applied retrospectively.

14. We, therefore, find no error in the view adopted by the Tribunal.

15. Moreover, the Tribunal has reserved liberty with the petitioner

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to proceed against the respondent in accordance with law if so advised. No lasting prejudice to the petitioner has, therefore, resulted as a consequence of the order passed by the Tribunal.

16. No case exists to interfere with the impugned order. The writ petition is accordingly dismissed in *limine*.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 18, 2026/ss/aky