



2026:DHC:4452-DB



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

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Date of Decision: 18.05.2026

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W.P.(C) 6788/2026 and CM APPL. 33310-312/2026

VEER NARAYAN DASHRATH

.....Petitioner

Through: Mr. Shashank Tripathi, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Akhand Pratap Singh
Chauhan, SPC along with Ms.
Laavanya Kaushik, Mr. Sachin
Sharma and Ms. Khyaati
Bansal, Advs.**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T (O R A L)****ANIL KSHETARPAL, J.:**

1. By way of the present Petition, the Petitioner seeks issuance of a writ in the nature of Certiorari for quashing of the order dated 30.10.2022 ['Impugned Order'] passed by the Respondent No.6/Commandant, 238 Battalion, Central Reserve Police Force ['CRPF'], whereby the penalty of compulsory retirement from service was imposed upon the Petitioner under Section 11(1) of the Central Reserve Police Force Act, 1949 ['CRPF Act'] read with Rule 27 of the Central Reserve Police Force Rules, 1955 ['CRPF Rules']. The Petitioner has also assailed the appellate order dated 16.03.2023, revisional order dated 28.08.2023, as well as subsequent orders dated 06.02.2024 and 04.04.2024 whereby the challenge laid by the Petitioner to the disciplinary action came to be rejected. The Petitioner further seeks consequential directions for reinstatement in service with

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continuity of service, back wages and all attendant benefits.

FACTUAL MATRIX

2. In order to appreciate the controversy involved in the present Petition, the relevant facts, in brief, are required to be noticed.

3. The Petitioner was appointed as Constable/GD in the CRPF on 21.03.2001 and had been serving in the Force for a period of more than two decades at the relevant time. During his tenure, disciplinary proceedings came to be initiated against him *vide* Memorandum of Charges dated 25.10.2021 issued under Section 11(1) of the CRPF Act read with Rule 27 of the CRPF Rules.

4. The substance of the allegations levelled against the Petitioner, as borne out from the record, pertains broadly to acts of alleged indiscipline and misconduct committed on different occasions. It is alleged that on 21.06.2021, while performing sentry duty at Morcha No.2 of G/238 Battalion, the Petitioner was found in an intoxicated condition and had misbehaved with his superior officers. It is further alleged that the Petitioner had a history of similar misconduct relating to consumption of alcohol, despite earlier punishments imposed upon him.

5. It is further alleged that during the period of quarantine in August, 2021, particularly on 12.08.2021 and 13.08.2021, the Petitioner left the quarantine centre without permission and returned in an inebriated condition. Additionally, it is alleged that pursuant to his transfer for official duty from Delhi to Bhopal, the Petitioner failed to report to the place of posting and remained absent without leave for a

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period of 11 days, i.e., from 15.08.2021 to 25.08.2021, and reported only on 26.08.2021.

6. On the basis of the aforesaid allegations, a departmental enquiry was initiated against the Petitioner. An Enquiry Officer was appointed and the Presenting Officer was also nominated in accordance with the applicable rules and circulars governing disciplinary proceedings within the Force.

7. The record indicates that during the course of enquiry proceedings, a preliminary hearing was conducted wherein the Petitioner was informed of the charges levelled against him. The Petitioner participated in the proceedings and was also apprised of his right to avail the assistance of a Defence Assistant. It is the case of the Respondents, as borne out from the enquiry record, that the Petitioner declined to avail such assistance.

8. The Enquiry Officer thereafter proceeded with the enquiry and recorded the statements of prosecution witnesses in the presence of the Petitioner. The Petitioner was furnished copies of the relevant documents and statements and was afforded opportunity to cross-examine the witnesses examined on behalf of the department.

9. Upon conclusion of the prosecution evidence, the Petitioner was afforded opportunity to lead his defence evidence and to produce witnesses and documents in support of his case. The Petitioner submitted a written representation seeking to explain his absence on medical grounds; however, no further substantive defence evidence appears to have been led by him.

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10. After completion of the enquiry proceedings, the Enquiry Officer submitted his report dated 15.08.2022 holding that the charges levelled against the Petitioner stood proved. The said enquiry report was supplied to the Petitioner and he was afforded an opportunity to submit his representation against the findings recorded therein. The Petitioner submitted his response, which was duly considered. The disciplinary authority also afforded the Petitioner a personal hearing on 10.10.2022.

11. Upon consideration of the enquiry report, the material on record, the representation submitted by the Petitioner, and the overall facts and circumstances of the case, the disciplinary authority passed the Impugned Order imposing the penalty of compulsory retirement from service upon the Petitioner. The Petitioner thereafter availed the statutory remedy of appeal, which came to be rejected *vide* order dated 16.03.2023. The revision petition preferred by the Petitioner was also dismissed *vide* order dated 28.08.2023. Subsequent representations and proceedings initiated by the Petitioner, including those decided on 06.02.2024 and 04.04.2024, were also rejected by the respondents.

12. Aggrieved thereby, the Petitioner has approached this Court by way of the present Writ Petition under Article 226 of the Constitution of India.

SUBMISSIONS OF THE PARTIES

13. Submissions of the Petitioner

13.1 Learned counsel for the Petitioner submitted that the entire departmental enquiry stands vitiated on account of gross violation of

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the principles of natural justice and the applicable service rules. It was contended that the Petitioner, who was not conversant with legal procedures, was denied effective assistance of a Defence Assistant, despite the same being a mandatory safeguard under the relevant circulars governing disciplinary proceedings in the Force.

13.2 It was further urged that the alleged waiver of Defence Assistant recorded during the enquiry proceedings was not voluntary and was, in fact, obtained under coercive circumstances and undue influence exercised by superior officers. According to the Petitioner, such waiver cannot be treated as a valid relinquishment of a valuable procedural right.

13.3 It was further submitted that the allegation regarding intoxication is wholly unsubstantiated inasmuch as no blood test, breath analyser examination, or any scientific medical test was conducted to establish that the Petitioner was under the influence of alcohol. Learned counsel submitted that in the absence of any medical or scientific evidence, the finding relating to intoxication could not have been treated as proved merely on the basis of oral assertions of departmental witnesses.

13.4 It was also submitted that despite repeated requests made during the enquiry proceedings, the Petitioner was not supplied with all relevant documents necessary for effectively defending himself. It was contended that the Petitioner had even sought certain records through proceedings under the Right to Information Act; however, several documents sought by him were allegedly withheld by the department. According to the Petitioner, such non-supply of documents has caused

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serious prejudice and vitiated the enquiry proceedings.

13.5 It was also submitted that the findings recorded by the Enquiry Officer are perverse, being based on conjectures and surmises, and not on legally admissible evidence. It was submitted that the disciplinary authority mechanically accepted the enquiry report without independent application of mind, thereby vitiating the final order of punishment. It was further submitted that the appellate and revisional authorities have passed cryptic and non-speaking orders without dealing with the specific grounds raised by the Petitioner, thereby rendering the entire appellate process an empty formality.

13.6 It was also urged that the punishment of compulsory retirement imposed upon the Petitioner is shockingly disproportionate to the alleged misconduct, particularly in view of the long service rendered by the Petitioner extending over two decades, during which, according to him, he had earned appreciation and rewards on several occasions for satisfactory performance of duty.

14. Submissions of the Respondents

14.1 *Per contra*, learned counsel for the Respondents submitted that the present Petition is an attempt to seek re-appreciation of evidence, which is impermissible in law, particularly in matters arising out of departmental enquiries where findings have been recorded by competent authorities after due consideration of evidence. It was submitted that the disciplinary proceedings were initiated strictly in accordance with Section 11(1) of the CRPF Act read with Rule 27 of the CRPF Rules and all procedural safeguards contemplated under the



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applicable service jurisprudence were duly complied with. It was urged that the Petitioner was afforded full and fair opportunity to defend himself at every stage of the enquiry proceedings.

14.2 Learned counsel for the Respondents specifically drew the attention of this Court to the enquiry proceedings to submit that the Petitioner was duly informed of his right to engage a Defence Assistant, however, he consciously declined to avail the said assistance. It was submitted that the said fact is duly recorded in the preliminary proceedings and cannot now be disputed by way of bald allegations in the writ petition.

14.3 It was further contended that the enquiry was conducted in a fair and transparent manner. The Petitioner was supplied with the relevant documents relied upon by the department, statements of witnesses, and was granted adequate opportunity to cross-examine the witnesses produced during the enquiry proceedings. It was submitted that the Petitioner has failed to demonstrate any specific prejudice allegedly caused due to non-supply of any additional document sought by him.

14.4 It was submitted that absence of a blood alcohol test or breath analyser examination would not, by itself, invalidate the departmental enquiry proceedings. It was argued that departmental proceedings are not governed by the strict rules of criminal evidence and that the findings regarding intoxication were based upon oral testimony of witnesses, contemporaneous records, and surrounding circumstances duly considered by the Enquiry Officer.



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14.5 It was also contended that the misconduct alleged against the Petitioner, including allegations relating to intoxication while on sentry duty, misbehaviour with superior officers, unauthorized absence, and repeated indiscipline, is of a serious nature which strikes at the very foundation of discipline in an armed force such as the CRPF. It was submitted that in such cases, strict standards of discipline are required to be maintained.

14.6 It was argued that the punishment of compulsory retirement cannot be said to be shockingly disproportionate, especially considering that the Petitioner was found repeatedly indulging in similar acts of misconduct despite earlier punishments, thereby demonstrating non-reformative conduct.

ANALYSIS & FINDINGS

15. This Court has heard the submissions advanced on behalf of the parties and carefully perused the record. At the outset, it is well settled that the scope of judicial review in disciplinary matters is limited. The Court does not act as an appellate authority to re-appreciate evidence. Interference is warranted only where the enquiry is vitiated on account of procedural irregularity, violation of principles of natural justice, or where the findings are perverse or based on no evidence.

16. In the present case, the principal challenge laid by the Petitioner is essentially founded upon four broad grounds, namely: (i) alleged violation of principles of natural justice on account of denial of effective opportunity and non-supply of documents; (ii) absence of scientific or medical evidence to substantiate the allegation of



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intoxication; (iii) alleged perversity of findings recorded by the Enquiry Officer; and (iv) proportionality of the punishment imposed.

17. This Court proposes to examine the aforesaid contentions within the limited contours of judicial review permissible in service jurisprudence.

Re: Violation of Principles of Natural Justice and Alleged Non-Supply of Documents

18. Insofar as the grievance regarding denial of Defence Assistant is concerned, the enquiry record placed before this Court reflects that during the preliminary proceedings, the Petitioner was specifically informed of his entitlement to avail the assistance of a Defence Assistant in accordance with the applicable rules and circulars governing disciplinary proceedings within the Force. The proceedings further indicate that the Petitioner declined to avail such assistance.

19. The subsequent plea now sought to be raised that such waiver was involuntary or obtained under coercion remains unsupported by any contemporaneous material placed on record. No representation, protest, or objection contemporaneously raised during the enquiry proceedings has been brought to the notice of this Court to substantiate the allegation of coercion. Mere bald assertions raised subsequently in writ proceedings cannot, by themselves, invalidate disciplinary proceedings which otherwise disclose due compliance with procedural safeguards.

20. The further grievance of the Petitioner pertains to alleged non-supply of documents. Learned counsel appearing on behalf of the



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Petitioner submitted that though certain documents were supplied during the enquiry proceedings, several other documents sought by him were allegedly withheld by the department despite recourse being taken to proceedings under the Right to Information Act.

21. This Court is unable to accept the aforesaid contention as a ground sufficient to vitiate the enquiry proceedings. It is well settled that mere allegation regarding non-supply of documents does not *ipso facto* render a departmental enquiry invalid unless the delinquent employee is able to establish that the documents sought were relevant and necessary for defence and that their non-supply caused demonstrable prejudice.

22. In the present case, the Petitioner has not been able to specifically demonstrate before this Court as to which particular document, allegedly withheld, had any direct bearing on the findings ultimately recorded by the Enquiry Officer or in what manner prejudice was caused due to such alleged non-supply. The record further indicates that the documents relied upon by the department during the enquiry proceedings, along with statements of witnesses, were furnished to the Petitioner and he was afforded opportunity to cross-examine the prosecution witnesses.

23. The record reflects that the Petitioner was afforded full opportunity to participate in the enquiry proceedings, including cross-examination of witnesses and opportunity to lead defence evidence. In such circumstances, the plea regarding violation of principles of natural justice cannot be accepted in a routine or abstract manner unless actual prejudice caused to the defence is clearly demonstrated.

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24. The contention advanced on behalf of the Petitioner regarding non-examination of certain witnesses also does not persuade this Court to hold that the enquiry proceedings stand vitiated. The Petitioner has repeatedly contended that certain eyewitnesses, including the sentry personnel and room colleagues allegedly present during the relevant incidents, were not examined during the enquiry proceedings.

25. However, it is a settled principle that adequacy or sufficiency of evidence in a departmental enquiry is not a matter for judicial review. The disciplinary authority is required to establish charges on the basis of material reasonably capable of supporting the conclusion arrived at. Mere non-examination of every conceivable witness cannot, by itself, invalidate the enquiry proceedings unless it is shown that such omission has resulted in manifest prejudice or rendered the findings wholly unreliable.

26. In the present case, the Enquiry Officer has relied upon oral testimony of departmental witnesses, documentary material, movement records, and contemporaneous official records. The Petitioner was granted opportunity to cross-examine such witnesses. Merely because some additional witnesses, whom the Petitioner considered material, were not examined would not render the entire enquiry illegal or void.

27. In view of the aforesaid discussion, this Court finds no merit in the contention that the departmental enquiry stands vitiated on account of violation of principles of natural justice.



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Re: Absence of Blood Test or Scientific Evidence Regarding Intoxication

28. A substantial argument advanced on behalf of the Petitioner was that the allegation regarding intoxication remains wholly unsubstantiated inasmuch as no blood alcohol examination, breath analyser test, or any other scientific medical test was conducted to establish consumption of alcohol by the Petitioner. Learned counsel for the Petitioner submitted that in the absence of any scientific evidence, the finding regarding intoxication could not have been sustained merely on the basis of oral testimony of departmental witnesses.

29. This Court is unable to accept the aforesaid contention. It is a settled principle of law that departmental proceedings are not governed by the strict rules of evidence applicable to criminal trials. The standard of proof required in disciplinary proceedings is that of preponderance of probabilities and not proof beyond reasonable doubt.

30. In the present case, the findings recorded by the Enquiry Officer are not founded merely upon isolated or bald allegations. The enquiry record reflects that multiple witnesses deposed regarding the conduct, behaviour, physical condition, and demeanour of the Petitioner during the relevant incidents. The contemporaneous records and circumstances were also taken into consideration during the enquiry proceedings.

31. The mere absence of a blood alcohol test or breath analyser examination would not, by itself, render the findings unsustainable in



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law, particularly where there exists other material on record capable of supporting the conclusion arrived at by the disciplinary authority. This Court also cannot lose sight of the fact that the allegation against the Petitioner was not confined merely to consumption of alcohol simpliciter, but extended to acts of indiscipline, misbehaviour with superior officers, unauthorized absence, and repeated misconduct while serving in a disciplined force.

32. Further, the enquiry record itself reflects that the Petitioner was directed for medical examination in relation to the incident in question. The defence sought to be raised by the Petitioner regarding refusal to undergo examination on the ground that no formal referral was made to the concerned hospital, was duly considered during the enquiry proceedings. The Enquiry Officer, upon appreciation of the overall material on record, did not find the explanation satisfactory.

33. In exercise of writ jurisdiction, this Court would not re-appreciate such factual findings merely because another view may also be possible on the evidence led before the Enquiry Officer.

Re: Perversity of Findings

34. The next contention urged on behalf of the Petitioner is that the findings recorded by the Enquiry Officer are perverse and based on conjectures and surmises.

35. This Court has carefully examined the enquiry report as well as the material referred to therein. The findings recorded by the Enquiry Officer cannot be said to be based on “no evidence”. The enquiry report reflects consideration of the statements of witnesses,



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documentary material placed on record, and the explanations furnished by the Petitioner.

36. The Petitioner has sought to assail the credibility and reliability of certain witnesses by contending that some of them were merely hearsay witnesses or interested departmental witnesses. However, appreciation of evidentiary value and sufficiency of evidence falls primarily within the domain of the disciplinary authority and not within the scope of judicial review under Article 226 of the Constitution of India.

37. So long as there exists some material on record supporting the conclusions arrived at in the enquiry proceedings, this Court would not substitute its own assessment for that of the disciplinary authority.

38. The defence raised by the Petitioner regarding illness, requirement of procuring uniforms and supplies, and other explanations tendered by him were duly noticed during the enquiry proceedings. Merely because such explanations were not accepted by the Enquiry Officer cannot lead to the conclusion that the findings are perverse.

39. It is also pertinent to note that the disciplinary authority, before imposing punishment, supplied the enquiry report to the Petitioner, considered his representation, and thereafter proceeded to pass the impugned order. The appellate and revisional authorities also considered the challenge raised by the Petitioner and found no infirmity warranting interference.

40. In view of the above, this Court finds no ground to hold that the

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findings recorded during the departmental enquiry suffer from perversity or are based on no evidence.

Re: Proportionality of Punishment

41. The final contention urged on behalf of the Petitioner relates to proportionality of punishment. Learned counsel for the Petitioner submitted that the punishment of compulsory retirement is harsh and disproportionate particularly in view of the long service rendered by the Petitioner and the rewards and commendations allegedly earned by him during service.

42. It is trite law that interference with punishment imposed in disciplinary proceedings is permissible only where the punishment shocks the conscience of the Court or is outrageously disproportionate to the misconduct established.

43. In the present case, the charges proved against the Petitioner relate to misconduct within a disciplined armed force. The allegations include intoxication while on sentry duty, acts of indiscipline, misbehaviour with superior officers, unauthorized absence from duty, and repeated misconduct despite earlier punishments. The nature of duties discharged by personnel serving in the CRPF demands strict adherence to discipline, operational alertness, and obedience to command structure. Any act undermining discipline within such force cannot be lightly viewed.

44. The record further indicates that the disciplinary authority also considered the past conduct of the Petitioner and the repeated nature of misconduct while determining the penalty to be imposed. Merely



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because the Petitioner had earlier earned certain commendations or rewards during service would not, by itself, eclipse the gravity of misconduct ultimately established during the enquiry proceedings.

45. Having regard to the overall facts and circumstances of the case, this Court is unable to hold that the punishment of compulsory retirement imposed upon the Petitioner is so disproportionate as to warrant interference in exercise of writ jurisdiction.

CONCLUSION

46. In view of the aforesaid discussion, this Court finds no merit in the present Petition. No ground for interference under Article 226 of the Constitution of India is made out.

47. Accordingly, the present Writ Petition, along with pending applications, is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MAY 18, 2026

Jai/pal