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

+ **W.P.(C) 7859/2019 & CM APPL. 32672/2019**

**JAN PRASAD ADHIKARI**

.....Petitioner

Through: Mr. Akhil Sachar, Ms. Sunanda  
Tulysan, Ms. Shweta Pattnaik, Ms.  
Kashish Maheshwari, Mr. Vidit  
Verma, Advocates.

versus

**NATIONAL GREEN TRIBUNAL AND ANR.** .....Respondents

Through: Mr. Santhosh Krishnan, Advocate for  
R-1 & 2.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**09.03.2026**

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1. This petition arises from an order by which the National Green Tribunal brought the Petitioner's service to an end on the footing that he had incurred a disqualification attached to public employment and had, in writing, admitted the underlying fact. The Petitioner says the order is unsustainable because no regular inquiry preceded it, the admission relied upon was not voluntary, and the action came years after the event said to justify it. The Respondents contend that once the Petitioner's own signed statement disclosed a disqualifying circumstance, and he was again put to notice before the final order, no departmental exercise was required. The case, therefore, turns not on a wide-ranging challenge to the Petitioner's service history, but on a narrower question: whether the impugned action is vitiated in law despite the Petitioner's written admission and the opportunity



later afforded to him to explain it.

***Facts***

2. The broad facts are not in dispute. The Petitioner submitted an application on 17<sup>th</sup> February, 2010 for the post of Junior Court Attendant and was appointed by the Registry of the Supreme Court of India to the said post in the pay band of INR 5200-20200 with Grade Pay of INR 2000. The terms of appointment was spelt out in a memorandum dated 11<sup>th</sup> March, 2010.

3. The record also reveals that an office order No. 49/2010 issued by Supreme Court of India stating that the Petitioner was provisionally appointed as Junior Court Attendant in the Registry. This appointment was as a nominee of Judge of the Supreme Court on a co-terminus basis with the tenure of the office of the Judge.

4. Subsequently, on 18<sup>th</sup> January, 2013, an office order was issued whereby the Chief Justice of India appointed the Petitioner on regular basis with the Registry with effect from 20<sup>th</sup> December, 2012. He was put on probation for a period of two years in the first instance and subsequently, by an office order dated 19<sup>th</sup> January, 2013, the Petitioner was sent to National Green Tribunal, Delhi on terms and conditions of deputation in public interest and as a special case for a period not exceeding one year. Accordingly, he was relieved from the services of office duties with the Supreme Court of India with effect from 19<sup>th</sup> January, 2013.

5. Subsequently, the record also reveals that on 01<sup>st</sup> October, 2014, an office order was issued by NGT absorbing the Petitioner to the said tribunal against “one of the sanctioned posts of Peon/Orderly/Court Attendant.”

6. In the above background, the grievance of the Petitioner emerged



when memorandum dated 05<sup>th</sup> August, 2014 was issued by NGT calling upon the Petitioner to explain certain alleged acts of misconduct. The allegations included unauthorized absence from duty, behaviour unbecoming of a government servant, furnishing of incorrect information regarding his personal details, and the allegation that he had contracted another marriage during the subsistence of an earlier marriage in violation of the applicable service rules.

7. When no reply was initially received, the Tribunal issued a reminder dated 12<sup>th</sup> August, 2014 granting the Petitioner a further four days to respond to the earlier memorandum and indicating that failure to do so would invite appropriate action.

8. The Petitioner thereafter submitted a written response dated 25<sup>th</sup> August, 2014. The document, which bears the Petitioner's signature and contains both typed and handwritten portions, records an acceptance of the charges and states that he had married thrice, that his first two wives were alive and had not been divorced, and that he had solemnized a third marriage in Nepal according to Hindu rites and ceremonies. The document also carries endorsements indicating that the contents of the English portion were explained to the Petitioner in Hindi in the presence of witnesses. The same is reproduced as follows:

***“Typed Portion***

*In response to the memorandum dated 5<sup>th</sup> August, 2014, and and reminder dated 12<sup>th</sup> August, 2014, I want to say that I accept all the allegations levelled against me and submit my unconditional apologies.*

*I assure that such mistakes will not be repeated in future. Inconvenience caused to the office may please be regretted.*

(Sd/-)



JAN PRASAD ADHIKARI

***Translated portion***

*I accept all three charges stated in the letter dated 05.08.2014.*

(Sd/-):  
JAN PRASAD ADHIKARI  
25-8-2014

*I have married thrice. The first two wives are alive and have not been divorced. About 1 ½ years ago, I solemnized my third marriage at Nepal, as per Hindu rites and ceremonies.....”*

(Sd/-)  
JAN PRASAD ADHIKARI

***Typed Portion***

*Contents of the reply (English part) explained to Jan Prasad Adhikari and informed and given the above statement in Hindi in my presence.*

Sd/- Avinash Thakur  
Sd/- Amresh Singh, MTS”

9. Nearly five years later, on 30<sup>th</sup> May, 2019, the Tribunal issued a show cause notice to the Petitioner stating that he had contracted multiple marriages during the lifetime of his earlier spouse and that, in view of his earlier written statement dated 25<sup>th</sup> August, 2014 admitting that fact, he had incurred a disqualification rendering him ineligible for government service. The notice called upon him to explain why his appointment should not be cancelled.

10. In response, the Petitioner addressed a communication dated 31<sup>st</sup> May, 2019 requesting inspection of the documents relied upon in the notice. On 1<sup>st</sup> June, 2019 he reiterated that request and asserted that the complete file had



not been made available for inspection.

11. On 25<sup>th</sup> June, 2019, the Tribunal issued a further communication declining the Petitioner's request to inspect the record, observing that the relevant facts were already within the Petitioner's knowledge, particularly in light of his earlier written statement. The Petitioner was nevertheless granted a final opportunity to inspect the file in the office and to submit his response within three days.

12. The Petitioner thereafter submitted a response dated 27<sup>th</sup> June, 2019 reiterating his request that inspection of the record be permitted in the presence of his lawyer and stating that copies of the documents relied upon had not been supplied. He denied having solemnised multiple marriages as alleged and asserted that the letter dated 25<sup>th</sup> August, 2014 relied upon by the Respondents had been obtained from him under duress.

13. A further reply dated 1<sup>st</sup> July, 2019 was then submitted by the Petitioner. In that communication he reiterated his objection that relevant documents had not been furnished and that he had not been allowed adequate assistance in responding to the notices. He again denied the allegation that he had contracted multiple marriages and asserted that he had only one lawfully wedded wife, Sunita. He also disputed the correctness and voluntariness of the statement dated 25<sup>th</sup> August, 2014, contending that the document had been prepared in English by the officials and that he did not understand its contents, as he could neither read nor write English. He requested that a proper inquiry be conducted in which he could produce evidence, including the testimony of his wife and his service records, in support of his stand.

14. Thereafter, by office order dated 5<sup>th</sup> July, 2019, the Tribunal cancelled



the Petitioner's appointment and terminated his service with immediate effect. The order states that in view of Rule 21 of the Central Civil Services (Conduct) Rules, 1964 and Rule 14 of the National Green Tribunal (Recruitment, Salaries and other Terms and Conditions of Service of Officers and other Employees) Rules, 2011, and in light of the Petitioner's admission of violation thereof, his appointment stands cancelled and his employment terminated with effect from that date.

### ***Contentions***

15. Counsel for the Petitioner contends that the impugned action is wholly unlawful. He submits that the Petitioner was a permanent employee and that his services could not have been terminated without a regular departmental inquiry, yet no such inquiry was held and no inquiry officer was appointed. The Petitioner was denied copies of the documents relied upon and was not permitted effective assistance through an advocate or qualified representative, and that the impugned order is unreasoned. His principal submission is that he never contracted three marriages and that he has only one legally wedded wife, Sunita.

16. He further asserts that the document dated 25<sup>th</sup> August, 2014 relied upon by the Respondents was obtained under duress and on the assurance that the matter would be closed. The Petitioner also contends that he subsequently informed the authorities in September 2014 that he had not contracted any second marriage. It is asserted that the proceedings initiated in 2014 stood closed, which he seeks to infer from the fact that he was subsequently absorbed in the service of the Tribunal with effect from 1<sup>st</sup> October, 2014. The Respondents could not, after the lapse of nearly five years, reopen the issue and terminate him in this summary fashion.



17. The Respondents, on the other hand, contend that the case does not concern proof of ordinary misconduct in a contested disciplinary inquiry, but the consequences flowing from a statutory disqualification. The Petitioner's own written admission dated 25<sup>th</sup> August, 2014 recorded that he had contracted multiple marriages while his earlier spouses were living. Such conduct attracts the bar contained in Rule 14 of the National Green Tribunal (Recruitment, Salaries and other Terms and Conditions of Service of Officers and other Employees) Rules, 2011, which renders a person ineligible for appointment if, having a spouse living, he enters into or contracts a marriage with another person. They also rely upon Rule 21 of the Central Civil Services (Conduct) Rules, 1964, which prohibits such conduct by a government servant. On this basis, the Respondents contend that the Petitioner's appointment and continuance in service were contrary to the statutory rules and therefore void, and that the impugned order merely gives effect to that position.

18. They further submit that the Petitioner never questioned the admission for several years and raised the plea of coercion only in 2019, which is wholly inconsistent. The Petitioner was afforded adequate opportunity through repeated show cause notices and no full-fledged departmental inquiry was required once the disqualifying fact stood admitted. The Respondents also contend that the Petitioner cannot rely on the fact that he was earlier absorbed in service despite the disqualification, since any such continuation contrary to the rules would not create a legal right or estop the enforcement of the statutory bar.

### ***Analysis***

19. At the outset, one feature of the case must be made clear. This



judgment does not proceed on the more concerning question whether the route by which the Petitioner moved into the Tribunal, or was later absorbed there, would independently have survived scrutiny if tested on the touchstone of the principles of public recruitment or statutory recruitment rules. The impugned order does not delve into these issues. It rests on a narrower foundation, namely, the Petitioner's admitted marital disqualification and the legal consequences that followed. The controversy can be resolved on that footing alone, and it ought to be.

20. Rule 14 of the 2011 Rules provides that no person who has entered into or contracted a marriage with a person having a spouse living, or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the post. Rule 12 of those Rules separately contemplates disciplinary proceedings in accordance with modalities to be notified by the Chairperson, and Rule 13 makes conditions of service subject to the corresponding rules applicable to Central Government employees. Rule 21 of the CCS (Conduct) Rules, 1964, in turn, prohibits a government servant from contracting a marriage with a person having a spouse living and also prohibits a government servant, having a spouse living, from entering into a marriage with another person, save where permission is granted in the limited manner contemplated by the Rule.

21. The distinction between those provisions matters. Had the Respondents chosen to frame a conventional disciplinary charge of misconduct and sought to prove, through disputed oral evidence, that the Petitioner had contracted a prohibited marriage, a departmental process might well have been unavoidable. But that is not how the matter stood here. The Respondents did not launch a roving evidentiary inquiry in 2019 in



order to discover whether the Petitioner had, in fact, married again. They proceeded on an existing written admission made by the Petitioner himself in 2014, and then called upon him to explain why legal consequences should not follow from it.

22. In this Court's opinion, that changes the complexion of the case entirely. The law does not insist on ritual where substance is already on record. In ***Viveka Nand Sethi v. Chairman, J & K Bank Ltd.***,<sup>1</sup> the Supreme Court observed that the principles of natural justice are not to be applied as a straitjacket formula and that when facts are admitted, an inquiry would be an empty formality. That principle does not dispense with fairness. It merely recognizes that the content of fairness depends on the situation one is dealing with.

23. The Petitioner's difficulty is that the document dated 25<sup>th</sup> August, 2014 is not a mere office note or third-party allegation. It is a signed writing carrying both a typed acceptance and a handwritten Hindi statement attributed to him. The handwritten portion is especially important because it weakens, at one stroke, the later argument that the Respondents acted only on an English text he did not understand. If the Petitioner had wished this Court to disregard that document altogether, the retraction needed to be immediate, clear, and convincing. It is none of those things.

24. The first reply dated 31<sup>st</sup> May, 2019 merely stated that the Petitioner had not performed three marriages and had only one wife. It did not allege coercion. The allegation of pressure appears for the first time only on 27<sup>th</sup> June, 2019. Then, on 1<sup>st</sup> July, 2019, the explanation shifts further, and the emphasis turns to the document being in English and prepared by the officer.



These are not minor refinements. They are successive changes in the very basis of repudiation. A court exercising writ jurisdiction is entitled to notice that evolution and to test whether the retraction carries the ring of truth. Here, it does not.

25. The Petitioner says he signed because he thought he would otherwise lose his job. That explanation is not persuasive. A person does not ordinarily protect his employment by writing out, under his own signature, a statement that he has married thrice and that his first two wives are alive and not divorced, unless there is some surrounding material of substance showing pressure, fabrication, or immediate protest. None is shown. No contemporaneous complaint of coercion from 2014 has been placed on record. The plea that he orally informed higher officers in September 2014 that the statement was untrue remains just that, a plea. It is unsupported by any document. On the material before the Court, the Tribunal was entitled to treat the 2014 writing as genuine and the 2019 retraction as belated and unreliable.

26. The allegation of denial of natural justice also does not carry the Petitioner far enough. It would certainly have been better had copies of the relied-upon documents been furnished. It would also have been preferable had the Respondents stated their reasons with clarity in the final order. But the question is not whether the process could have been better managed. The question is whether the Petitioner was left unaware of the case he had to meet or deprived of a real opportunity to answer it. He was not. The show cause notice of 30<sup>th</sup> May, 2019 identified the very basis of action, namely, the alleged three marriages and the Petitioner's own admission dated 25<sup>th</sup>

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<sup>1</sup> (2005) 5 SCC 337.



August, 2014. He replied repeatedly. He sought inspection and was permitted inspection, though not with counsel. He submitted three written responses. The central fact relied upon by the Respondents was not some hidden departmental material; it was the Petitioner's own signed statement. In these circumstances, no prejudice of a degree sufficient to vitiate the action is made out.

27. The Petitioner's submission that, being a permanent employee, his service could be brought to an end only through a regular departmental inquiry does not merit acceptance in the facts of the present case. Had the Respondents sought to establish a disputed charge by leading evidence and proving it through a conventional disciplinary process, that argument would have carried force. The present matter stands on a different footing. The authority proceeded on a written admission of a disqualifying fact and, after putting the Petitioner to notice, considered and rejected the subsequent attempt to resile from it. In such a situation, the law does not insist upon a full-fledged inquiry merely as a matter of form when the foundation of action already stands disclosed and the employee has been afforded an opportunity to explain it. The impugned action was thus preceded not by silence or surprise, but by notice, response, and rejection of the response.

28. The delay between 2014 and 2019 is, no doubt, the aspect of the case that gives the Court some pause. The Respondents were aware of the matter in 2014, yet the Petitioner was later absorbed and allowed to continue in service. That administrative inaction does not inspire confidence. Even so, it does not follow that the underlying admission ceased to have legal significance, or that the Respondents were rendered powerless to act upon it thereafter. The exercise undertaken in 2019 was not founded on a fresh or



subsequently invented allegation. It was anchored in a recorded admission already available on the file. Mere lapse of time, without more, did not confer upon the Petitioner a vested right to insist that the Tribunal disregard a disqualifying fact once it chose to address it. The law is well settled that mere continuance in service does not sanctify what is otherwise impermissible in law. Without pushing the present case to the outer limits of that principle, it is sufficient to hold that administrative dormancy, by itself, could not efface the legal effect of the Petitioner's own admission."

29. The Petitioner's further submission that the final order is unreasoned also cannot be accepted. The order is undoubtedly brief, but brevity is not the same thing as arbitrariness. It refers to the governing statutory provisions, records the admitted violation, states the consequence drawn therefrom, and notes that it has been issued with the approval of the competent authority. More importantly, the order did not arise in isolation. It was preceded by two show cause notices and multiple replies from the Petitioner. The issue before the authority was a narrow one. Once the authority accepted the writing of 25<sup>th</sup> August, 2014 and found no merit in the subsequent retraction, the area of controversy stood correspondingly confined. In these circumstances, the order cannot be invalidated merely because it does not contain elaborate reasoning

30. The Petitioner sought to rely on the decisions in ***Laxman Singh v. State of Rajasthan***<sup>2</sup> and ***Commissioner, Kendriya Vidyalaya Sangathan v. Dr. Dharmendra Singh***.<sup>3</sup> These authorities do not assist him on the facts at hand. This is not a case where action has been taken on a wholly unproven

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<sup>2</sup> 1998 LawSuit(Raj) 588.

<sup>3</sup> In W.P. (C) No. 2264/2014 decided on 1<sup>st</sup> February, 2016.



accusation without confronting the employee with the material against him. Nor is it a case where the employer had nothing more than suspicion and yet dispensed with inquiry. The distinguishing feature here is the Petitioner's own written admission, followed only much later by a shifting repudiation.

31. Viewed thus, the writ challenge must fail. The writ petition is, accordingly, dismissed. Pending applications, if any, also stand disposed of.

**SANJEEV NARULA, J**

**MARCH 9, 2026/ab**