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

\# **CNR No. DLHC010511232026**

\+ W.P.(CRL) 3340/2026 & CRL.M.A. 33378-33379/2026

DR NARESH KUMAR .....Petitioner

Through: Ms. Sunita Singh and Ms. Anamika Kushwaha, Advocates.

versus

GOVT OF NCT OF DELHI & ORS. .....Respondents

Through: Mr. Rahul Tyagi, ASC for State with Ms. Priya Rai, Mr. Sangeet Sibou, Ms. Jaya, Ms. Ritu Lavania and Mr. Priyanshu Raj Singh, Advocates.
SI Naveen Kumar, PS: M. Park, Delhi.
SI Shikha, PS: Badarpur.
SI Vikas Singh, PS: Prashant Vihar.
Mr. Yoginder Handoo, Special Counsel with Ms. Bani Dikshit, Mr. Ashwin Kataria, Mr. Aditya Aggarwal, Mr. Uddhav Khanna and Ms. Mahima Srivastava, Advocates for R-3 & 7.
Mr. Varad Dwivedi and Ms. Pratima Singh, Advocates for R-6.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 27.10.2026

CRL.M.A. 33378/2026 *(exemption)*

1. Allowed, subject to all just exceptions.

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W.P.(CRL) 3340/2026

2. The present petition has been filed seeking a direction to the respondents to conduct a fair and impartial investigation into the representations and complaints of the petitioner against respondent no.6.

3. It is the case of the petitioner that respondent no.6 has secured employment in FSL, Delhi on the basis of forged/fabricated documents and experience certificates. The petitioner seeks that an FIR be registered against respondent no.6 pursuant to the advice and direction of Central Vigilance Commission ('CVC') dated 24th April, 2024.

4. Earlier, the petitioner had filed a writ petition seeking similar relief being W.P.(Crl.) 2900/2022 which was withdrawn by the petitioner on 22nd January, 2025.

5. The CVC *vide* memorandum dated 24th April, 2024 had advised the CVO, GNCTD to register a criminal case against respondent no.6 for giving false information.

5.1 On the basis of said advice, a communication dated 14th August, 2025 was sent on behalf of FSL/respondent no.2 to SHO, Police Station Prashant Vihar, Delhi.

6. The memorandum dated 24th April, 2024 was challenged by respondent no.6 before the Central Administrative Tribunal, Principal Bench, New Delhi.

7. The Central Administrative Tribunal *vide* judgment dated 28th July, 2025 quashed the memorandum dated 24th April, 2024. The relevant extracts from the said judgment are set out below:

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7. In our considered view, both impugned memoranda deserve to be quashed for the following reasons:

1. The charge memorandum was issued after a delay of 15 years without any explanation. As held in ***P.V. Mahadevan*** (supra), disciplinary proceedings initiated after an inordinate and unexplained delay are liable to be quashed. The Hon'ble Supreme Court in para 11 observed:

> **"Under the circumstances, we are of the opinion that allowing the respondent to proceed further with the departmental proceedings at this distance of time will be very prejudicial to the appellant. Keeping a higher government official under charges of corruption and disputed integrity would cause unbearable mental agony and distress to the officer concerned. The protracted disciplinary enquiry against a government employee should, therefore, be avoided not only in the interests of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by the department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer."**

2. Multiple verifications already conducted: The applicant's experience was verified:

(i) By this Tribunal in OA No. 3485/2009

(ii) By Respondent No. 3 through direct correspondence with issuing authorities

(iii) By the Fact-Finding Committee in 2015

Reopening the same issue now, after 15 years, would serve no useful purpose and would only cause further harassment to the applicant, who has already faced repeated scrutiny.

Central Administrative Tribunal

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> **8.** In view of the above, we allow the OA and pass the following orders:
>
> The impugned memorandum dated 22.05.2024 issued by Respondent No. 2 and memorandum dated 24.04.2024 issued by Respondent No. 1 are quashed and set aside.
>
> There shall be no order as to costs.

8. The petitioner had filed a review against the said judgment which was withdrawn on 21st May, 2026. The relevant extracts from the said order are set out below:

> Mr. Anil Singal, learned counsel for the applicant, after arguing for some time, upon instructions from his client, seeks permission of this Tribunal to withdraw the Review Application as well as Misc. Application for condonation of delay, with liberty to file appropriate proceeding before appropriate forum in accordance with law, if so advised. Permission granted with aforesaid liberty.
>
> 2. Accordingly, RA as well as MA are dismissed as withdrawn.
>
> 3. Pending MA(s), if any, shall also stand disposed of. No costs.

9. Taking note of the aforesaid, there is no basis for directing the respondents to register a criminal case against respondent no.6.

10. The present petition is devoid of merits and is accordingly dismissed.

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11. Pending application stands disposed of.

AMIT BANSAL, J

OCTOBER 27, 2026
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