$~162

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

\# **CNR No. DLHC010515322026**

\+ W.P.(C) 15799/2026, CM APPLs. 73932/2026, 73933/2026

YUDHVIR SINGH TOKAS .....Petitioner

Through: Mr. A.K. Singla, Senior Advocate with Mr. Abhimanyu Singh Khatri, Advocate.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Vishwa Pratap Singh, C.G.S.C with Mr. Arnav Mittal, G.P., Mr. Anurag Pandey, Mr. Abhijit Singh, Advocates for Union of India.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH
HON'BLE MR. JUSTICE GURVINDER PAL SINGH

O R D E R

% 29.10.2026

1. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India challenging communication dated 15.09.2026 issued by Respondent No.3, whereby extension of time for filing Written Statement of Defence was restricted upto 15.09.2026 as also communication dated 22.10.2026, rejecting the request of the Petitioner for extension beyond 15.10.2026.

2. Learned Senior Counsel for the Petitioner raises twofold contentions pertaining to the pending enquiry proceedings. The first contention is that Respondent No.3 has not furnished copies of Preliminary Enquiry Report as also Statements of Witnesses, who deposed during the enquiry, despite representations dated 22.08.2026 and 29.08.2026. The second contention is that sufficient time has not been granted to the Petitioner to file Written

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 31/10/2026 at 12:09:49

Statement of Defence and on both counts, prejudice is being caused to the Petitioner during the enquiry proceedings.

3. Learned counsel for the Respondents, on the other hand, submits that neither the Statements of Witnesses recorded during the preliminary enquiry nor the Preliminary Enquiry Report are part of the Relied Upon Documents along with the Charge Memorandum dated 04.08.2026 and therefore, it is not mandatory to furnish the said documents to the Petitioner. Insofar as the Written Statement of Defence is concerned, it is urged that initially the time for filing the statement was extended upto 15.09.2026 and thereafter, extension was again granted on 14.10.2026 and therefore, it is wrong for the Petitioner to contend that sufficient time was not granted to file the Written Statement of Defence.

4. Heard learned Senior Counsel for the Petitioner and counsel for the Respondents.

5. Disciplinary proceedings have been initiated against the Petitioner under Rule 14 of CCS (CCA) Rules, 1965 (1965 Rules) pursuant to Charge Memorandum dated 04.08.2026. Along with the Charge Memorandum, Respondents have filed list of Relied Upon Documents as Annexure II and perusal of the same shows that neither the Preliminary Enquiry Report nor the Statements of Witnesses, who deposed during the said enquiry are part of the said list. It is settled law that Preliminary Enquiry Report is required to be furnished to the Charged Officer, only if it is relied upon. Therefore, there is no merit in the contention of the Petitioner that the Preliminary Enquiry Report and Statements of Witnesses ought to have been furnished. Needless to state that if at any stage during the enquiry, the Enquiry Officer relies upon the said documents, the same shall be furnished to the Petitioner.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 31/10/2026 at 12:09:49

6. As for extension of time for filing Written Statement of Defence is concerned, as a matter of record, Signal dated 15.09.2026 by which time was extended upto 15.09.2026 was served on the Petitioner on 14.10.2026. Similarly, though the request for further extension was acceded to vide Signal dated 14.10.2026, the communication was handed over on 14.10.2026 itself asking the Petitioner to submit his defence immediately. Therefore, it is clear that sufficient opportunity has not been granted to the Petitioner to file the Written Statement of Defence.

7. Accordingly, this writ petition is partially allowed and disposed of, granting a period of three weeks to the Petitioner to file Written Statement of Defence. It is made clear that Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

GURVINDER PAL SINGH, J

OCTOBER 29, 2026/*bh*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 31/10/2026 at 12:09:49