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

+ **W.P.(C) 13597/2025**

ARVIND MOHAN DWIVEDI

.....Petitioner

Through: Mr. Akhil Solanki, Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Arunima Dwivedi, Ms. Himanshi Singh and Ms. Monalisha Pradhan, Advocates for R-2.
Mr. Abhishek Saket, SPCG with Mr. Manish Madhukar, Mr. Abhigyan and Ms. Reya Paul, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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21.04.2026

1. The Petitioner was appointed as a Senior Hindi Translator in Educational Consultants India Ltd.,¹ a Government of India undertaking, on 30th July, 1993. His service record at the initial stage was not unblemished, inasmuch as his probation was extended by one year with effect from 15th September, 1994 on account of 47 instances of unauthorised absence. Thereafter, on 25th September, 1998, a memorandum of charges containing four Articles of Charge was issued to him, *inter alia*, on allegations of furnishing false information and repeated absence without leave, culminating in the imposition of a penalty of reduction in pay scale by four stages *vide* order dated 15th September, 1999.



2. Subsequently, on 11th January, 2000, the Petitioner was placed under suspension, and a fresh memorandum of charges dated 15th February, 2000 came to be issued containing ten Articles of Charge. The said charges, which arose from a complaint made by one Ms. Ritu, a former employee of EdCIL, and forwarded by the National Commission for Women, *inter alia* alleged suppression of a prior marriage, contracting a second marriage on the basis of purportedly forged divorce documents, and submission of false affidavits. The aforesaid allegations also formed the basis of criminal proceedings initiated against the Petitioner, culminating in the registration of FIR No. 600/2000 at P.S. Uttam Nagar.

3. The disciplinary proceedings that followed were not founded on any disputed evidentiary inference. The record placed before the Court shows that, during the inquiry, the Petitioner made a written statement before the Inquiry Officer acknowledging that he had gone through the articles of charge and the statement of imputations, expressly pleaded guilty, acknowledged that such plea could be used against him, and stated that there was no need to proceed further with the inquiry because he had pleaded guilty to all the charges. The statement bears his signatures as well as those of the Presenting Officer and the Inquiry Officer, and reads as under:

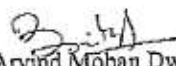
¹ “EdCIL”

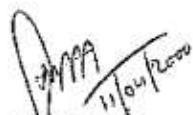


Educational Consultants India Ltd.
(A Govt. of India Enterprise)
18A, Sector 16A, NOIDA-201301

Statement of Shri Arvind Mohan Dwivedi
(Questions put by the Inquiry Officer and replied to by the Charged Officer)

Question: Have you gone through Article of Charges and the Statement of Imputation of Misconduct, copies of which have already been supplied to you?
Answer: Yes.
Question: Do you plead guilty?
Answer: Yes.
Question: Are you aware that this statement of your pleading guilty can be used against you?
Answer: Yes.
Question: Do you wish to proceed with the inquiry?
Answer: No, because I have pleaded guilty of all the charges and, therefore, there is no need to proceed with the inquiry?
Question: Have you fully understood the implications of your statement?
Answer: Yes.


(Arvind Mohan Dwivedi)
Charged Officer


(Amit Dutta)
Presenting Officer


(S.R. Gera)
Inquiry Officer

4. After the inquiry report dated 27th April, 2000 held the charges proved, the Petitioner submitted a further reply dated 23rd May, 2000. That communication, on a fair reading, cannot be construed as a withdrawal of the plea of guilt; rather, it constitutes a reiteration of the position earlier adopted by the Petitioner. He stated that he had “not denied the fact of committing mistake”, sought forgiveness, expressed regret for bringing bad



name to the Corporation, referred to the settlement with Ms. Ritu, and ended by asking for “one more chance”. That reply is inconsistent with the case now sought to be developed before this Court that there had never been any admission at all. The said letter reads as under:

“To
The Manager (P&A)
EDCL
Sector IEA, Noida- 201301

Subject: Submission of Representation against Inquiry Report

*Respected Sir,
With due respect it is to state that I want to submit my representation against the inquiry Report through the points given below:*

- 1. It is true that I had not denied the fact of committing mistake, but here it is to mention that at the time of inquiry I have been convinced by the inquiry officer that the conclusion of all the charges alleged to me “is marrying another girl having a living spouse.” For this only I committed my mistake.*
 - 2. If we go through inquiry from article I to article X of the charge sheet given at Annexure, I have many points to place which are given below.*
 - a) I have not produced any order of family court for any purpose. However, a petition, seeking divorce from my wife Mrs: Neelam Dwivedi vide No 819/97 was filed by me and Ritu who was closed by me was aware of this incident. Consequently she started living me and took the advantage of getting marry with me. This order had been managed by Ritu in which her parents and partner was involved.*
 - b) Many times in the chargesheet city court Kanpur is mentioned. Here I have nothing to say that my case for divorce was filed in the family court not at city court.*
 - c) In the article XI have been charged for leaving her. In this regard I want to repeat it again that this separation was not mutual understanding because Ms. Ritu and I were not in good family Since Ritu was having contacts with many other persons like Kapil Singla, working in Authority of India ltd. Bankehand Road, Auranchal building, New Delhi, Yogendra Singh working in LIC M block Connaught place etc; so I had objections on all type of such activities. Also, she was non corporative. All theses circumstances made me realize that I was better enough wife (legally wedded) Mrs. Neelam Dwivedi.*
- C-I:- ultimately we both Ritu and I decided to leave each other. But her parents and brother lodged a complaint at NCW alleging the false charges on me.*



C-II:- again, I want to clear that Mrs. Ritu is habitual of giving false information and has checked many times to Government set ups also. For example,

i) When she joint EDCL, she had not applied through proper channel timing during 1995-96.

ii) She is presently working in EPFO organization Nehru place, New Delhi as Asst. Officer

iii) She was selected through open vacancy By UPSC "234 Vacancies of AAO/ enforcement officer in M/O Labor." She was interviewed for the post mentioned above in the month of Jan-Feb 1999. At the time of interview she was suppose to fill-up and attestation form in which a number of personal and curriculum vitae entries were made by Ms. Ritu. In such attestation form she declared herself unmarried. Is this not contradictory that one side she has shown herself married w.e.f 26.5.98 and another side, to take advantage of Reservation (as she belongs to SC She is showing herself unmarried.

iv) Like UPSC, from 26.5.98 she has applied for PO in Bhopal and Bangalore Region, in GIC, ... etc every where she has shown herself unmarried.

C-III:- The charge I have hurted her or done any fraudulent behavior against her is also denied.

- 3. For any kind of Bad Name to the corporation I am extremely sorry and nothing more to say in this regard that it all happened due to reverse caring of my stars which have diverted me from the right path.*
- 4. It is time that she has lodged a complaint in NCW against me. This progress about the case I have been submitting from time to time to you. Therefore, about the involvement of NCW I have nothing more to say that I final statement has been sing between both the parties i.e. Ritu and me. In permanance of the settlement I have deposited Rs. 50,000/- at NCW for compensation to Ritu, and Rs. 10,000/- for legal consultancy fee. A final amount would be provided to me with a copy to our office in EDCL within 15 days from the date of submission of this representation.*
- 5. In pursuance of Final Settlement signed by above mention both parties, Ritu had filed a petition at the court of addl. District and Session judge, Karkardooma, Shahdara, Delhi- 32, on this above mentioned petition the judgment is annexed on the 22 day of May 2000 before both the parties which is as under:*

THE MARRIAGE BETWEEN ARVIND MOHAN DWIVEDI RESPONDENT NO. 1 AND THE PETITIONER MS. RITU IS DECLARED NULL AND VOID.

The decision may be verified from the above court giving the reference of Suit No.- 77/2000.

HUMBLE REQUEST

- 1. Lastly, you are kindly requested to forgive me for all kinds of my acts*



related to this case following “To ERR IS HUMAN and To forgive IS DIVINE” or (KSHAMA BARAN KO CHAHIYE).

2. *It is also well known hindi phrase “SUBHA KA BHULA AGAR SHAM KO GHAR AA JAYE TO USE BHULA NHI KAHTA”*
3. *I assure you not to repeat any kind of activity which is unbecoming or breaking the integrity. Kindly, give me one more chance in the interest of social justice and in favor of me.*
4. *Thanking you with kind regards,*

*Sincerely yours,
Sd/-*

ARVIND MOHAN DWIVEDI

May 23, 2000”

5. On consideration of the inquiry report, the record of the proceedings, and the Petitioner’s reply dated 23rd May, 2000, the disciplinary authority passed the order dated 18th July, 2000 dismissing the Petitioner from service. The disciplinary authority specifically recorded that the inquiry had been conducted fairly, that the Petitioner had been given full opportunity, that he had pleaded guilty before the Inquiry Officer, and that the gravity of the proved misconduct, along with his past record, rendered him unfit to be retained in service. The said order reads as follows:

“I have carefully gone through all the records and facts of the case. Shri Arvind Mohan Dwivedi was informed of the charges framed against him vide chargesheet dated 15th February, 2000. A detailed inquiry was ordered and held into the charges alleged. Inquiry Officer has submitted his report vide his letter dated 27.4.2000. Copy of the inquiry report was forwarded to Shri Dwivedi vide letter dated 7th May, 2000 giving him an opportunity to make his submission against the inquiry report.

After careful consideration of the records, i.e., inquiry report, relevant records of inquiry consisting of daily order sheet, correspondence, exhibits, the submissions made by charge sheeted employee vide his letter dated 23rd May, 2000, I find that the inquiry had been conducted in a fair and equitable manner. Delinquent employee was given full opportunity to defend his case. Principles of natural justice have been adhered to while conducting the inquiry proceeding by inquiry authority. My findings and observations on the reply dated 23rd May, 2000 of Shri Dwivedi are as under:-



1. The article of charges alleged against Shri Dwivedi was read over to him during inquiry proceedings. He accepted before the Inquiring Authority that he had gone through the article of charges including the statements of imputation of misconduct and he pleaded guilty to the charges.

2. No comments.

(a) Shri Arvind Mohan Dwivedi had submitted an affidavit dated 20th May, 1998 to the Arya Samaj Mandir, West Patel Nagar, New Delhi declaring that he is a divorcee and has obtained judgement dated 22nd April, 1998 in his favour. He also produced a copy of the order of Family Court, Kanpur dated 22nd April, 1998 purported to be an order granting him divorce from his wife Mrs. Neelam Dwivedi to the Mandir authorities so as to marry Ms. Ritu. Thus the intention of Shri Dwivedi was malafide. His explanation that the order was managed by Ms. Ritu is not convincing.

(b) No comments

(c) Ms. Ritu in her complaint dated nil to the National Commission for Women had clearly made allegations against Mr. Dwivedi for cheating and fraudulent marriage. A copy of which was also sent to Ed.CIL by the Commission for taking necessary action. There was no mention about the mutual separation by Ms. Ritu in her complaint to the National Commission for Women. Therefore, the contention of Mr. Dwivedi with regard to mutual separation is not tenable. As regards contacts of Ms. Ritu with other persons, this is not relevant to the present case.

(i) The complaint was lodged by Ms. Ritu to the National Commission of Women and not by her brother and parents as stated by Mr. Dwivedi.

(ii) (i, ii, iii, iv) Does not have any relevance to the present case.

(iii) Shri Dwivedi got married to Ms. Ritu on 26.5.1998 in spite of the fact that he had a spouse living. Thereafter he left Ms. Ritu who filed a complaint against him in National Commission for Women for fraudulent marriage and cheating. The above act on the part of the Mr. Dwivedi clearly indicate his fraudulent behaviour and cheating.

3. Shri Dwivedi has accepted the fact that by his acts he has brought bad name to the Corporation and has regretted the same.

4. Does not have any relevance to the present case.

5. It has been proved from the evidences available that Mr. Dwivedi who was legally married to Ms. Neelam contracted another marriage with Ms. Ritu which is in violation of Conduct, Discipline and Appeal Rules applicable to him.

After careful perusal of the inquiry report and the submission made by Shri Dwivedi, I fully agree with the findings of the inquiry report.

I, therefore, conclude that all the charges alleged against Shri Dwivedi vide chargesheet dated 15th February, 2000 stand proved beyond any shadow of doubt.



The past record of Shri Dwivedi show that he was awarded with a penalty of reduction in basic pay at the minimum of the scale for five years for the misconducts committed by him vide order dated 15th September, 1999. Considering the gravity of misconduct now proved viz. failure to maintain integrity, commission of an act involving moral turpitude, act subversive of discipline/good behaviour, contracting second marriage while having a spouse living, acts unbecoming of a public servant and the past record of Shri Dwivedi, the undersigned is convinced that Shri Dwivedi is not a fit person to be retained in the employment in the interest of the Corporation and I am of the opinion that good and sufficient reasons exist for imposition of penalty of 'Dismissal' on Shri Dwivedi.

Accordingly in order to meet the ends of justice, I impose the following penalty on Shri Arvind Mohan Dwivedi, Supervisor (Hindi) under Rule 23 of Ed.CIL Conduct, Discipline and Appeal Rules:-

"Shri Arvind Mohan Dwivedi, Supervisor (Hindi) is hereby dismissed from service with immediate effect."

Further since the charges alleged against Shri Dwivedi have been fully proved and in accordance with the Clause 22 of Ed.CIL Conduct, Discipline and Appeal Rules the period of suspension cannot be treated as duty. I order that the period of suspension of Shri Dwivedi from 11.01.2000 to date be treated as leave without pay. He will accordingly not be entitled for any pay during the period of suspension. However, subsistence allowance to the extent of 50%/75% of pay already paid to him will not be recovered.

(Y MEDURY)
DISCIPLINARY AUTHORITY"

6. The Petitioner did not pursue the departmental remedies then available to him. He did not file any appeal against the dismissal order. On the contrary, he accepted the order and, by his own request, sought release of his final dues, whereupon an amount of ₹22,949/- was released to him. It is only after more than two decades that he addressed a representation dated 27th September, 2023 seeking reinstatement with arrears and consequential benefits. That representation was rejected by a reasoned communication dated 17th July, 2025, which reiterated the circumstances in which the plea



of guilt had been recorded and correctly pointed out that the subsequent acquittal in the criminal case did not undo the departmental action already taken. The said order passed 17th July, 2025, which reads as follows:

“No. 11(142)/93-Adm. Date: 17.07.2025

To

*Mr. Arvind Mohan Dwivedi
2A, Thakur Vihar Colony, Faridi Nagar
Lucknow, Uttar Pradesh-226015*

Subject: Reference to Representation Regarding Reinstatement and Related Claims.

Sir,

This is with reference to your undated representation addressed to the Chairman & Managing Director, EDCL, in which you have alleged wrongful dismissal from the post of Supervisor (Hindi), and have sought reinstatement along with payment of arrears from the date of dismissal, citing the judgment dated 27.09.2023 passed by the Hon'ble Dwarka Court in FIR No. 600/2000 titled 'State v. Arvind Mohan'. In this regard, it is pertinent to place certain facts on record for your information.

A chargesheet dated 15.02.2000, containing ten articles of charge, was issued to you (Annexure-A) on the complaint of Ms. Ritu, ex-employee. Subsequently, the Inquiring Authority, Mr. S.R. Gera, issued a notice dated 27.03.2000 (Annexure-B), scheduling the preliminary hearing for 11.04.2000. The hearing was duly conducted on the said date, during which you appeared before the Inquiring Authority and expressed your intent to make a voluntary statement admitting to all charges. You were clearly informed that any such statement could be used against you, to which you affirmed your understanding. Despite this, you chose to plead guilty, stating that your decision was made voluntarily and without any external pressure. Your statement was then formally recorded and signed by you, the Inquiring Authority, and the Presenting Officer (Annexure-C & D).

In your recorded statement, you confirmed that you had received and reviewed the Articles of Charge and the Statement of Imputation of Misconduct. You explicitly pleaded guilty, acknowledged the implications of your statement, and declined to proceed further with the inquiry, citing your admission of guilt. Relevant excerpts from your statement are as follows:

“Question: Have you gone through Articles of Charges and the Statement of Imputation of Misconduct, copies of which have already been supplied to you?



Answer: Yes

Question: Do you plead guilty?

Answer: Yes

Question: Are you aware that this statement of your pleading guilty can be used against you?

Answer: Yes

Question: Do you wish to proceed with the inquiry?

Answer: No, because I have pleaded guilty of all the charges and, therefore, there is no need to proceed with the inquiry.

Question: Have you fully understood the implications of your statement?

Answer: Yes."

Based on this confession, the Inquiring Authority submitted the Inquiry Report dated 27.04.2000 (Annexure-E) to the Disciplinary Authority, concluding that all charges were proved. The report was shared with you for your response, and in your reply dated 23.05.2000 (Annexure-F), you reiterated your admission of guilt.

Taking into consideration the gravity of the charges and your repeated admission, the Disciplinary Authority imposed the penalty of dismissal from service vide Office Order No. 11(142)/93-Adm. dated 18.07.2000 (Annexure-G). Following the dismissal, you accepted the order and, via your letter dated 21.07.2000 (Annexure-H), requested the release of your final dues. Accordingly, a final payment of Rs. 22,949 was disbursed to you through Cheque No. 687408 dated 01.09.2000.

It is further pertinent to clarify that no appeal was preferred by you against the order dated 18 July 2000. Therefore, the assertion made in your representation that an appeal was submitted within the prescribed period of 60 days and was neither considered nor responded to is factually incorrect and misleading.

*It is pertinent to highlight that Ms. Ritu, in addition to lodging an internal complaint with the organization, which led to the initiation of disciplinary proceedings against you under the EDCL CDA Rules, also filed a police complaint resulting in the registration of FIR No. 600/2000 at Uttam Nagar Police Station, Delhi. The said criminal case has since been concluded by the Hon'ble Trial Court vide judgment dated 27.09.2023. In this context, it is important to clarify that criminal proceedings and departmental (disciplinary) proceedings are distinct and operate independently of each other. An acquittal in a criminal case does not automatically exonerate an individual from charges that have been duly proved in departmental proceedings. This legal principle has been consistently affirmed by the Hon'ble Courts, including the Hon'ble Supreme Court of India. Notably, in *Ajit Kumar Nag v. General Manager (P.J.), Indian Oil Corporation Ltd.*,*



(2005) 7 SCC 764, the Supreme Court reiterated that disciplinary action can be sustained independently of the outcome of criminal proceedings, as the two are governed by different standards of proof and serve distinct purposes. Relevant excerpts from the above-mentioned order are reproduced below for your reference:

“Acquittal by a criminal court would not debar an employer from exercising power in accordance with rules and Regulations in force. The two proceedings criminal and departmental are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on the person who commits an offence, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with service Rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused ‘beyond reasonable doubt’, he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of ‘preponderance of probability’. Acquittal of the appellant by a Judicial Magistrate, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the Corporation.”

In view of the foregoing, it is evident that the disciplinary proceedings against you were conducted strictly in accordance with the principles of natural justice and the established EDCL CDA Rules. The penalty of dismissal was imposed following your voluntary and unequivocal admission of guilt after being duly informed of the consequences of your plea. It must be reiterated that the departmental inquiry and the criminal trial are independent proceedings governed by different standards and objectives. Therefore, the acquittal in the criminal case does not, in any manner, invalidate the findings of the departmental inquiry or the sanction imposed thereon. Consequently, your request for reinstatement and payment of arrears lacks legal or factual basis and, as such, cannot be granted. You are advised to consider the matter closed from the organization’s perspective.
Regards,

*Sd/-
U.S. Gaikwad*



General Manager (HR & Admin)''

7. The first and immediate obstacle in the Petitioner's path is the extraordinary delay. The dismissal order is dated 18th July, 2000. The present challenge has been mounted only after roughly twenty-five years. That delay is not explained in any legally persuasive manner. In service jurisprudence, stale claims are not revived merely because an employee chooses, long afterwards, to send a representation. The Supreme Court has repeatedly cautioned that writ jurisdiction is not meant to reopen such dead claims after prolonged and unexplained delay, and that a belated representation does not furnish a fresh cause of action.²

8. The Petitioner seeks to overcome that difficulty by placing reliance on the judgment dated 27th September, 2023 rendered in the criminal proceedings arising out of FIR No. 600/2000. That submission, however, does not assist him. The criminal court acquitted the Petitioner because the prosecution failed to prove the offences beyond reasonable doubt, the complainant was not examined, and the evidentiary foundation necessary for conviction was not brought on record. That is a criminal law conclusion on the standard applicable to criminal trials. It does not, without more, reopen or invalidate a departmental order passed in 2000 on an altogether different footing.

9. The law on this aspect is settled that criminal proceedings and departmental proceedings operate in distinct fields, are governed by different objectives, and proceed on different standards of proof. Acquittal by a criminal court does not *ipso facto* absolve an employee from liability

² *The Chief Executive Officer & Others v. S. Lalitha & Others* 2025 INSC 565



under disciplinary jurisdiction. In departmental proceedings, the test is one of preponderance of probability, not proof beyond reasonable doubt. The Supreme Court has stated this in clear terms in *Ajit Kumar Nag v. Indian Oil Corpn. Ltd.*,³ and has reiterated the same distinction in later cases as well.⁴

10. In the present case, the Respondent's position rests on a still stronger foundation. The disciplinary finding was not based merely on a disputed evidentiary record. It was preceded by the Petitioner's own written plea of guilt and followed by a subsequent representation which did not retract that plea, but substantially acknowledged misconduct and prayed for pardon. In such a situation, the contention that the inquiry is vitiated for want of examination of witnesses is wholly misplaced. The insistence on proof through evidence ordinarily arises where the delinquent disputes the charges and the employer nevertheless seeks to establish serious misconduct without leading proof. That, however, is not the position in this case. The record discloses that the plea of guilt was accepted and acted upon by the disciplinary authority, and that the Petitioner, having neither pursued any departmental remedy nor questioned the findings at the relevant time, allowed the order of dismissal to attain finality. His subsequent conduct, including seeking release of terminal dues, is also consistent with an acceptance of the disciplinary outcome.

11. Further, this Court, in exercise of judicial review, does not sit as an appellate forum over such findings. Once the record shows a voluntary plea of guilt, acknowledgment of its implications, and a subsequent

³ (2005) 7 SCC 764

⁴ See: *State of Karnataka v. Umesh*, (2022) 6 SCC 563



representation again seeking forgiveness, there is no warrant in law to reopen the factual foundation of the disciplinary action after such prolonged delay. Judicial review in disciplinary matters is confined to the decision-making process and not to a fresh reappreciation of facts as though this Court were hearing an appeal.

Conclusion

12. The Petitioner's belated representation of 2025, and the order passed thereon, did not revive a challenge that had become hopelessly stale long ago. A dismissal order that had stood unquestioned for years could not be drawn back into controversy merely by addressing a representation to the employer after more than two decades. The petition, therefore, fails at the threshold on account of gross delay and laches, and fails on merits as well. The later acquittal in the criminal case does not alter that position. It does not wash away a departmental order founded on the Petitioner's own plea of guilt, his subsequent request for forgiveness, and the distinct standard governing disciplinary proceedings.

13. The writ petition is accordingly dismissed. Pending application(s), if any, shall also stand disposed of.

SANJEEV NARULA, J

APRIL 21, 2026

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