



2026:DHC:285-DB



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

Reserved on: 09.12.2025
Pronounced on: 14.01.2026

+ **W.P.(C) 13649/2006**

SATYENDRA DIXIT

.....Petitioner

Through: **Mr. Anupam Dwivedi and Mr. Ashutosh Kumar, Advs.**

versus

UOI & ORS.

.....Respondents

Through: **Mr. Rishabh Sahu (SPC) with Mr. Sameer Sharma, Adv. Mr. Anshuman, Ms. Avshreya Pratap Singh, Advs.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed by the petitioner, challenging the Orders dated 20.07.2005 and 20.01.2006 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1846/2004 and R.A. No. 175/2005, respectively, whereby the O.A. filed by the petitioner and the subsequent Review Application seeking recall of the Order dated 20.07.2005 were dismissed.

FACTS OF THE CASE:

2. The factual matrix of the case is that the petitioner was working as a Storekeeper with the Central Ordnance Depot (COD), Agra,



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under the respondents' department. During the course of his service, disciplinary proceedings were initiated against him, which culminated in the penalty of dismissal from service. The said dismissal forms the subject matter of the present Writ Petition.

3. On 15.03.1999, the petitioner proceeded on medical leave after submitting a duly completed application seeking sanction of leave. The petitioner, from time to time, sought extension of leave and intimations in this regard were duly sent to the respondents' department along with the medical certificates issued by doctors of a Government Hospital at Agra.

4. During the period when the petitioner was on leave, a complaint dated 03.07.1999 was lodged by a retired employee of the respondents' department, namely Subedar Major Shri V.P. Singh, alleging that the petitioner, his younger brother, and another employee had induced him to invest money in M/s. Alakhananda Growth Funds Ltd. through M/s. Dixit Financial Consultancy. Similar allegations were reiterated in a joint representation dated 05.07.1999 submitted by certain employees of the respondents' department.

5. On the basis of the aforesaid complaints, the respondents' authorities issued a Show Cause Notice dated 07.10.1999, bearing No. 22659/9-SD/Estt.-Coord., proposing disciplinary action against the petitioner under the CCS (CCA) Rules, 1965, for allegedly canvassing and promoting the investment schemes of M/s Alakhananda Growth Fund Ltd.

6. The petitioner submitted his reply dated 12.10.1999, categorically denying the allegations and stating that he had no role in



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canvassing or promoting the business of the said financial company or M/s Dixit Financial Consultancy.

7. Thereafter, a charge-sheet dated 07.08.2000 was served upon the petitioner *vide* Office Order dated 19.08.2000, alleging that he had indulged in canvassing employees and retired personnel for investment in the said company for profit and that he had remained absent from duty on the pretext of illness.

8. Upon receipt of the charge-sheet, the petitioner sought supply of relevant documents and also requested a change of venue of the Inquiry, by way of representations dated 06.09.2000 and 27.09.2000, expressing apprehension of threat from the vested interests.

9. *Vide* Office Order dated 23.11.2000, the Disciplinary Authority agreed to supply some documents, denied access to others, and rejected the request for change of the venue.

10. In the absence of complete documents, the petitioner submitted his statement of defence on 22.12.2000, denying the allegations. Apprehending bias, he further sought appointment of an *ad-hoc* Disciplinary Authority, however, the said request was declined.

11. During the Inquiry, the petitioner raised objections regarding the conduct of the Inquiry Officer and sought his replacement by way of a representation dated 19.06.2001, however, the said request was not accepted. The petitioner also disputed the authenticity of certain documents and sought their authenticated copies, which, although directed to be supplied by the Inquiry Officer, were not fully furnished.

12. *Vide* Orders dated 09.07.2001 and 26.07.2001, the Inquiry



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Officer declared certain additional documents sought by the petitioner to be relevant and directed their supply. It was further directed that regular hearings be conducted only after due compliance with the said directions. However, the Inquiry proceedings were conducted on 04.12.2001 despite non-compliance with the aforesaid directions.

13. The respondents' department filed its written brief on 09.08.2002, and the petitioner submitted his written brief on 16.08.2002.

14. Thereafter, a copy of the Inquiry Report dated 30.12.2002 was furnished to the petitioner on 02.01.2003, wherein all the charges were held to be proved. The petitioner submitted his representation against the Inquiry Report on 24.01.2003.

15. The Disciplinary Authority issued an Office Memorandum dated 15.05.2003 proposing the penalty of dismissal, to which the petitioner submitted his response on 20.06.2003. Subsequently, *vide* Office Memorandum dated 23.07.2003, the penalty of dismissal from service was imposed upon the petitioner.

16. Aggrieved thereby, the petitioner preferred a Statutory Appeal on 23.08.2003, which, after due consideration, came to be rejected by the Appellant Authority *vide* Order dated 05.03.2004, communicated to the petitioner on 29.03.2004.

17. Aggrieved by the same, the petitioner thereafter approached the learned Tribunal by filing O.A. No. 1846/2004 on 16.08.2004, challenging the Inquiry Report dated 30.12.2002, the Dismissal Order dated 23.07.2003, and the Appellate Authority Order dated 29.03.2004.



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18. The learned Tribunal, *vide* the Impugned Order dated 20.07.2005, dismissed the Original Application, being O.A. 1846/2004, on merits, holding as under:

“8. After hearing both the learned counsel for the parties, we are convinced that the enquiry and the disciplinary proceedings have been conducted in accordance with law. The applicant has been given all the opportunities to defend himself. The plea taken by him that he was not supplied with certain documents is neither borne out by the facts nor could the learned counsel for the applicant convince us as to what those documents were and how they were relevant for his defence. He also failed to indicate as to how the non-supply of these documents had caused any prejudice to him. The applicant also almost conceded that his father and his brother had played a fraud on the employees. The plea taken by him that he was not involved in this affair is not convincing at all after considering the documents furnished by the respondents with their counter and the statements of the witnesses. The misconduct of the applicant on all the four charges has been proved beyond doubt by the Enquiry Officer. The Appellate Authority had also given him a personal hearing, and the order of the Appellate Authority is a well-reasoned order meeting the points raised by him in his representation. We do not find any legal infirmity in the conduct of the enquiry and the disciplinary proceedings.

9. It is a well-settled principle of law that the jurisdiction of the Tribunal in the matter of judicial review of the orders of the disciplinary authority in departmental enquiries is quite limited. In a series of decisions, including B.C. Chaturvedi vs. Union of India and Others (1995) 6 SCC 749, State of T.N. vs. T.V. Venugopalan (1994) 6 SCC 302, Union of India vs. Upendra Sinha (1994) 3 SCC 357,



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State of T.N. & Another vs. Subramaniam (1996) 7 SCC 509, Government of T.N. vs. A. Rajapandian (1995) 1 SCC 216, and U.P. State Road Transport Corporation vs. Basudeo Chaudhar and Another (1997) 11 SCC 370, the Apex Court has ruled that where the Tribunal has not found any fault with the proceedings conducted by the enquiring authority, it has no jurisdiction to reappreciate the evidence and to interfere with the order of punishment. Judicial review is not an appeal against a decision, but a review of the manner in which the decision is made. The learned counsel for the applicant has failed to convince us about any lacunae or legal infirmity in the conduct of the enquiry or disciplinary proceedings. In such a situation, the Tribunal cannot sit as a court of appeal over the decision of the disciplinary authority. In exceptional cases, the Tribunal can interfere only if the findings of the disciplinary authority are totally perverse, mala fide, or legally unsustainable, which is not so in the present case. Considering the gravity of the misconduct of the applicant, the penalty imposed on him is also not disproportionate to the charges proved against him. We will not, therefore, interfere in the matter.

10. In view of the foregoing, we do not find any merit in the OA, and the same is accordingly dismissed without any order as to costs.”

19. The Review Application, being R.A. No. 175/2005, was also dismissed by Order dated 20.01.2006, holding as under:

“ This R.A. has been filed by the applicant against the order dated 20.07.2005 on the ground that all arguments have not been dealt with, e.g.:—

- i) Some of the additional documents and listed documents were not supplied, which vitiated the entire proceedings.
- ii) Orders passed by authority are cryptic.



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- iii) Prosecution witnesses were all interested and there was no evidence against the applicant and the Inquiry Officer had taken extraneous material into consideration; therefore, findings are unsustainable in law.
2. Perusal of the judgment dated 20.07.2005 shows all these points have been dealt with in detail in paras 8 and 9; therefore, it is wrong to suggest that points have not been dealt with. Applicant may not be happy with the order, but that is no ground to review the order.
 3. We have already expressed our views and cannot sit in appeal over our own orders. In *Union of India v. Taritranjan Das*, reported in (ATJ 2004 (2) SC 190), it has been held by the Hon'ble Supreme Court that the scope of review is very limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by afresh and rehearing of the matter to facilitate a change of opinion on merits.
 4. We find no error in the judgment; therefore, R.A. is rejected at the admission stage itself."

20. Aggrieved thereby, the petitioner has filed the present Writ Petition, challenging the Impugned Order passed by the learned Tribunal, with the following prayers:

"A. Quash the impugned orders dated 20.07.2005 and 20.01.2005 passed by the learned Central Administrative Tribunal, Principal Bench at New Delhi, in O.A. No. 1846/04 and R.A. No. 175/05, vide Annexure P/1 and P/2 to the present petition, by a writ of certiorari or any other appropriate writ or direction, and may further be pleased to quash the order of dismissal dated 23.07.2003, the order-in-appeal dated 05.03.2004, and the findings of the Inquiry Officer contained in its report dated 30.12.2002, by a writ of mandamus or any other appropriate writ or direction, declaring the same to be illegal and perverse;



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B. Further direct the respondents to reinstate the applicant with all consequential and attendant service benefits; and

C. Pass such other and further order(s) as may be deemed just and expedient in the premises of the present case.”

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER:

21. The learned counsel for the petitioner submits that the issuance of a major charge-sheet without conducting any preliminary inquiry into the allegations purportedly made by a group of employees of COD, Agra, is *ex facie* arbitrary and contrary to the applicable Rules. It is further submitted that the complaint itself was a joint representation, made in contravention of G.I., Ministry of W.H. & S., A.V., Circular No. 305 dated 21.02.1967, thereby vitiating the very foundation of the disciplinary proceedings.

22. The learned counsel for the petitioner contends that although the charge-sheet contained a detailed list of documents forming the basis of each Article of Charge, the respondents deliberately failed to supply copies of the listed documents. Such denial, particularly at the stage when the first defence was required to be submitted, constitutes a clear violation of the principles of natural justice and rendered the petitioner incapable of mounting an effective defence.

23. The learned counsel for the petitioner submits that while the Officer-in-Charge (Records), by letter dated 23.11.2000, stating that inspection of documents would be provided at a safer place due to alleged security concerns, no such inspection was ever facilitated. The



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assurance of inspection thus remained illusory, and the Petitioner was continuously denied access to the material relied upon against him.

24. He further contends that the petitioner repeatedly apprised the Inquiry Officer that the listed documents had neither been supplied nor shown for inspection, while the Presenting Officer proceeded on the basis of unauthenticated material. Despite the petitioner identifying specific documents necessary for his defence, including additional documents relevant to Article-II, no remedial action was taken.

25. It is further submitted that the proceedings dated 09.07.2001 themselves record that inspection of the listed documents was incomplete and that the Inquiry would not proceed further until such inspection was completed. However, the subsequent proceedings dated 26.07.2001 record that the documents were still unavailable, yet the Inquiry was sought to be continued on the untenable premise that the documents would be provided only at the stage of cross-examination.

26. The learned counsel for the petitioner contends that the Presenting Officer's assertion that documents would be produced only if required during cross-examination is wholly unsustainable in law. A Charged Official cannot be compelled to defend himself without prior access to the material relied upon, and any punishment based on documents withheld on such pretexts is procedurally impermissible.

27. The learned counsel for the petitioner submits that the continuation of proceedings despite admitted deficiencies in the supply of documents reflects a biased and predetermined approach,



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thereby vitiating the Inquiry Process in its entirety.

28. He further contends that arbitrariness is further evident from Office Order dated 30.01.2001, which falsely records that a CBI investigation was underway, despite there being no such Inquiry. This incorrect recording betrays a prejudicial mindset and an intent to portray the Petitioner as culpable without affording him a fair opportunity of defence.

29. The learned counsel for the petitioner submits that the Inquiry Report itself acknowledges that the petitioner objected to the absence of a Preliminary Inquiry and to the non-supply of documents. It further records that several documents were either not shown, partially shown, or not made available at all. Despite these admissions, the Inquiry Officer proceeded to record findings of guilt without addressing these foundational defects.

30. The learned counsel for the petitioner contends that by representation dated 24.01.2003, the petitioner specifically highlighted multiple procedural violations and discrepancies in the Inquiry. These objections were mechanically ignored, without any independent application of mind by the Disciplinary Authority.

31. The learned counsel for the petitioner submits that the learned Tribunal failed to appreciate that the Inquiry Report and the disciplinary proceedings, which formed the sole basis of the punishment, were conducted in gross violation of the statutory rules and the principles of natural justice. The finding that no prejudice was caused is patently erroneous, as the Petitioner was punished without being furnished the very documents relied upon against him.



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SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS:

32. The learned counsel for the respondents submits that the petitioner was appointed as Storekeeper at the Central Ordnance Depot, Agra, on 26.09.1984 and continued on the said post until the Order of dismissal dated 23.07.2003, which was served upon him on 31.07.2003. It is further submitted that the petitioner's brother, Sarvesh Dixit, who was appointed as an LDC at COD, Agra, on 13.08.1984, was also proceeded against in the same Departmental Inquiry and was dismissed from service on 31.07.2003. It is pertinent to note that the petitioner's brother expired during the pendency of O.A. No. 2118/2004.

33. The learned counsel for the respondents submits that during the period 1996–97, the petitioner, along with his family members, promoted and canvassed a private finance concern, namely M/s Alakhnanda Growth Funds/M/s. Agra Tech Ltd., inducing investments from depot employees by offering lucrative returns and issuing post-dated cheques. It is contended that during his tenure at COD, Agra, the petitioner engaged in unauthorized financial activities by promoting and managing private deposit schemes through the said family-run concern.

34. The learned counsel for the respondents submits that the petitioner collected substantial amounts from employees and retired personnel, misusing his official position and influence to gain the confidence of subordinates, thereby indulging in conduct expressly prohibited under Rule 15 of the CCS (Conduct) Rules, 1964.



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35. The learned counsel for the respondents contends that impressed by the attractive scheme, civilian depot employees invested approximately Rs. 10,45,940/-, including an amount of Rs. 2,40,000/- invested by retired Sub Major V.P. Singh from his pensionary benefits, all of which amounts were deposited through the petitioner.

36. It is further submitted that in the year 1999 the said financial company went bankrupt, following which the petitioner absented himself from COD, Agra, with effect from 15.03.1999. It is further submitted that the petitioner sought transfer from COD, Agra, to COD, Kanpur, or COD, Delhi, and allegedly approached higher authorities with external influence, including intervention by a former Member of Parliament, in contravention of Rule 3 of the CCS (Conduct) Rules, 1964.

37. He submits that in or about 1999, a total of eighty-four complaints were lodged by depot employees and a retired Subedar Major, alleging that the petitioner was actively promoting private deposit schemes run by a family-managed concern, issuing deposit receipts and post-dated cheques which were dishonoured on maturity, thereby causing financial loss to the complainants.

38. The learned counsel for the respondents submits that an FIR under Section 406 of the IPC was registered on 21.01.1999, recording that the petitioner, his brother, and other family members had invested substantial amounts in M/s AGFL, thereby clearly establishing the petitioner's direct nexus with the financial operations of the said concern. It is further submitted that the petitioner himself admitted that his brother frequently visited the COD gate in connection with the



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financial business.

39. The learned counsel for the respondents submits that visiting cards bearing the name “Lord Mahadev,” containing residential addresses and telephone numbers, were issued by the petitioner to investors and were produced during the Inquiry as documentary evidence, further corroborating his direct involvement in the financial consultancy business of M/s AGFL.

40. The learned counsel for the respondents submits that from August 1997 to March 1999, the petitioner collected money from depot employees and retired soldiers during working hours within the depot premises, thereby effectively conducting private business inside government premises for the benefit of his family members.

41. The learned counsel for the respondents submits that disciplinary proceedings under Rule 14 of the CCS (CCA) Rules, 1965 were initiated, and the petitioner was charge-sheeted on 07.08.2000 for multiple acts of misconduct, including promoting a family-run financial concern and soliciting investments from depot employees, in violation of Rule 15 of the CCS (Conduct) Rules, 1964.

42. The learned counsel for the respondents submits that based on the findings of the Preliminary Inquiry, which established the petitioner’s active involvement in private financial dealings, the competent authority found the misconduct to be grave and initiated regular departmental proceedings by issuing a Memorandum of Charge along with a Statement of Imputations.

43. The learned counsel for the respondents submits that the AOC (Records), Secunderabad, after agreeing with the Inquiry findings,



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issued a Show-Cause Notice and appointed an independent Inquiry Officer to conduct a full-fledged oral Inquiry in accordance with Rule 14 of the CCS (CCA) Rules, 1965.

44. It is further submitted that the Inquiry was conducted strictly in accordance with the prescribed procedure, during which documentary exhibits were produced and witnesses were examined and cross-examined, and the petitioner was afforded a full opportunity to defend himself.

45. The learned counsel for the respondents submits that the evidence before the Inquiry Officer clearly established a pattern of financial canvassing and misuse of official influence by the petitioner within the workplace.

46. The learned counsel for the respondents submits that the Inquiry Officer, after appreciating the evidence, submitted a detailed and reasoned report dated 30.12.2002, holding all charges proved against the petitioner.

47. The learned counsel for the respondents submits that the Disciplinary Authority, after considering the Inquiry Report and the petitioner's representation, imposed the penalty of dismissal from service by Order dated 23.07.2003, for recorded reasons.

48. The learned counsel for the respondents submits that the Statutory Appeal preferred by the petitioner was dismissed by a reasoned Order dated 05.03.2004 after granting him a personal hearing. The learned counsel for the respondents further submits that the petitioner was provided with all reasonable opportunities throughout the proceedings and that the principles of natural justice



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were fully complied with.

49. The learned counsel for the respondents submits that the petitioner's prolonged unauthorized absence and attempts to invoke external influence were relevant aggravating factors duly considered by the authorities.

50. The learned counsel for the respondents submits that the issue of proportionality was duly examined, and the penalty of dismissal was found to be appropriate considering the gravity of the misconduct. The learned counsel for the petitioner further submits that the learned Tribunal found the evidence sufficient and the punishment proportionate, and recorded concurrent findings of fact.

ANALYSIS AND FINDINGS:

51. We have considered the submissions made by the learned counsels for the respective parties.

52. The issue that arises for consideration is whether the disciplinary proceedings and the consequential order of dismissal are vitiated due to violation of the principles of natural justice.

53. It is a settled position of law that, in the exercise of jurisdiction under Articles 226 and 227 of the Constitution of India, this Court does not sit as an appellate authority over the findings of a disciplinary authority. Interference is warranted only where the disciplinary proceedings are shown to suffer from procedural irregularity, violation of statutory rules, breach of the principles of natural justice, perversity, mala fides, or manifest arbitrariness.

54. In the present case, the principal grievance of the petitioner throughout the disciplinary proceedings, before the Tribunal, and



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before this Court has been the alleged non-supply and non-inspection of certain documents, which, according to him, deprived him of a reasonable opportunity to defend himself. It is well settled that a mere allegation of non-supply of documents does not, by itself, vitiate disciplinary proceedings. The delinquent employee must establish that the documents allegedly withheld were relevant, were relied upon, and that their non-supply resulted in real and demonstrable prejudice to the defence. In the absence of such a showing, the plea of violation of the principles of natural justice remains speculative. The test is not whether some documents were not supplied, but whether such non-supply had the effect of denying the delinquent a fair opportunity of defence.

55. The record, however, clearly demonstrates that the Inquiry Officer contemporaneously recorded the objections raised by the petitioner, including those relating to the non-supply or incomplete inspection of documents, and also recorded the stand of the Presenting Officer that certain documents would be produced, if required, at the stage of cross-examination.

56. At the same time, the record shows that, notwithstanding the objections raised regarding the non-supply or incomplete inspection of documents, the petitioner participated throughout the inquiry, availed the assistance of a Defence Assistant, extensively cross-examined the prosecution witnesses, examined himself in defence, and submitted written submissions. The petitioner was served with a detailed charge-sheet and was afforded adequate opportunity to lead defence evidence. The Inquiry Officer thereafter assessed the material on record,



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including oral evidence, documentary exhibits produced during the proceedings, and circumstantial evidence, and returned detailed and reasoned findings on each Article of Charge.

57. In the present case, the petitioner has not been able to demonstrate which specific documents were essential for his defence, in what manner they were relied upon by the Inquiry Officer, or how their non-supply disabled him from effectively cross-examining the prosecution witnesses or leading defence evidence. On the contrary, the record reflects that the petitioner actively participated in the inquiry proceedings, cross-examined the witnesses at length, examined himself in defence, and submitted detailed written submissions. In such circumstances, the plea of prejudice stands substantially diluted.

58. Having considered the record and the submissions, this Court finds that the learned Tribunal examined the challenge to the disciplinary proceedings within the permissible limits of judicial review. The learned Tribunal recorded a categorical finding that the Inquiry was conducted in accordance with law, that the petitioner was afforded adequate opportunity to defend himself, and that no prejudice was caused to him on account of the alleged non-supply of documents.

59. Considering the nature of the charges, which relate to the misuse of official position, financial impropriety, and conduct unbecoming of a government servant, the penalty of dismissal cannot be said to be shockingly disproportionate so as to warrant judicial interference.

CONCLUSION;



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60. In view of the above, this Court finds no ground to interfere with the Impugned Orders passed by the learned Tribunal.

61. The present petition is, therefore, dismissed, and the Impugned Orders passed by the learned Tribunal is upheld.

62. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

JANUARY 14, 2026/RM