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

\+ W.P.(C) 1106/2026 & CM APPL. 5443/2026

KULDEEP KUMAR AND ORS .....Petitioners

Through: Mr. Yash Vardhan Singh and Ms. Deepti Ahuja, Advocates.

versus

DELHI POWER COMPANY LIMITED (DPCL) AND ORS .....Respondents

Through: Mr. Sushil Pandey, SPC with Mr. Sharves Srivastv and Mr. Shivam Singh, Advocates for R-1.
Mrs. Avnish Ahlawat, SC (GNCTD) with Ms. Aliza Alam and Mohnish Sehrawat, Advocates for R-1.
Mr. Sandeep Sethi, Senior Advocate with Mr. Anupam Varma, Mr. Nikhil Sharma, Ms. Simran Kohli and Ms. Shivali Rawat, Advocates for R2-11.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **27.01.2026**

1. This petition has been instituted jointly by seven Petitioners. Each Petitioner assails a separate memorandum/charge-sheet, issued at different points of time, ranging from November 2013 to March 2025. The relief sought is framed as a writ of mandamus for quashing the disciplinary proceedings, the impugned memoranda/charge-sheets, and Notification No. HR(BYPL)/2024-25/01 dated 1st April, 2024. The principal ground urged is that the charge-sheets were issued without the approval of the President of India, or of an authority duly empowered by the President, as required under

Rules 13 and 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965[1].

2. At the outset, the petition suffers from an evident misjoinder of different causes of action. Each memorandum concerns a different Petitioner, a different factual substratum, different allegations, different stages of disciplinary proceedings, and in some cases, even different employers within the distribution entities. The mere assertion of a common question of law does not, by itself, cure the structural defect of clubbing seven independent service disputes into one omnibus petition. Even so, since the Petitioners press a threshold jurisdictional objection, the Court proceeds to examine that legal plank, while keeping it clear that the individual merits, defences, and factual controversies in each memorandum are not being adjudicated in this proceeding.

3. The Petitioner's principal submission is that the CCS (CCA) Rules apply to them, and under Rule 13 read with Rule 14, disciplinary proceedings can be instituted only by the President of India or by an authority empowered by the President by general or special order. On that premise, they contend that charge-sheets issued by officers of the Respondent companies, without demonstrable Presidential approval, are *ab initio void* and are liable to be treated as "*non est*".

4. The Petitioners also place reliance on decisions which hold that where an action is without jurisdiction, doctrines such as estoppel, waiver, or *res judicata* cannot be invoked to validate it. The submission, in substance, is that if the initiation of disciplinary proceedings itself is void, all consequential steps must necessarily fail.

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[1] "CCS (CCA) Rules"

5. The Respondents oppose the petition on multiple grounds, including misjoinder, delay and laches, particularly for memoranda dating back to 2013-2019, and the impropriety of invoking writ jurisdiction to challenge charge-sheets, especially where some Petitioners have already assailed final disciplinary orders in independent proceedings. On the central legal issue, it is contended that the Petitioners' construction of Rule 13 is misplaced. It is further submitted that the Notification dated 1st April, 2024 merely delineates the internal disciplinary and appellate hierarchy and does not supplant or dilute the CCS (CCA) Rules.

Scope of interference at the stage of charge-sheet

6. It is well settled that ordinarily a writ court does not interdict a charge-sheet, since such a document does not determine rights and is merely a step in aid of the disciplinary process. The Supreme Court in ***Union of India & Anr. v. Kunisetty Satyanarayana***[2] has cautioned that a charge-sheet does not ordinarily give rise to any cause of action, and that premature intervention would result in converting the writ jurisdiction into a forum for stalling disciplinary proceedings. Judicial interference at this stage is, therefore, confined to rare and exceptional cases, such as where the action is wholly without jurisdiction, or is otherwise wholly illegal. The Petitioners, therefore, can succeed only if the foundational objection on competence is established in clear terms, on the text of the governing rules and the status of the issuing authority.

Rule 13 / "competent authority"

7. The Petitioners' challenge proceeds at a high level of abstraction. Proceeding on the premise that the CCS (CCA) Rules apply, it is urged that

the power to institute disciplinary proceedings must trace exclusively to the President under Rule 13, or to an authority expressly empowered by the President. On this footing, the charge-sheets are characterised as jurisdictionally void.

8. This line of argument overlooks the statutory framework governing the transition of employees following the unbundling of the Delhi Vidyut Board[3]. The Delhi Electricity Reform (Transfer Scheme) Rules, 2001[4] effected a statutory severance from the transferor entity. Rule 6(6) of the Transfer Scheme Rules makes the position plain: upon transfer, the personnel "*shall cease to be in the service of the Board*" and cannot assert or claim any service benefits under the Board. Rule 6(7) preserves continuity of service conditions only as an interim arrangement, by providing that until the transferee frames its own regulations, the existing service conditions of the Board shall "*mutandis apply*". Rule 6(11) is equally telling: all proceedings, including disciplinary proceedings, pending or relatable to pre-transfer misconduct "*shall not abate*" and may be continued by the relevant transferee.

9. This statutory scheme directly answers the question as to the identity of the competent disciplinary authority. The transferee is not a mere conduit mechanically applying legacy rules; disciplinary control is intended to migrate to, and vest in, the transferee. That is precisely how the issue was analysed by this Court in ***Brij Mohan v. Govt. of NCT of Delhi & Ors.***[5]. The Court held that once absorption took effect, the employee could not

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[2] (2006) 12 SCC 28.
[3] "DVB"
[4] Transfer Scheme Rules"
[5] W.P.(C) 6902/2003.

insist on the transferor's disciplinary architecture, and disciplinary action undertaken by the transferee under the transfer scheme framework could not be faulted as contrary to law. The relevant portion of the order is as follows:

> *"**1. Whether the removal order is passed by a competent authority.***
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> *31. The first challenge raised by the petitioner is that the order of removal from services was not passed by the competent authority, since, the services of the petitioner were governed by the DESU Regulations and hence, could have only been initiated by the Officers of respondent no. 1 or the original employer, however, the order was passed on behalf of the respondent no. 2 by the respondent no. 3. On the other hand, the respondents have argued that the rules applicable were in terms with the Transfer Scheme and the authority passing the removal of services order was passed by the competent authority: This Court has considered the contentions raised on behalf of both the parties. The petitioner was absorbed by the respondent no. 2 from the Delhi Vidyut Board. **The transfer of services of the petitioner was regulated in terms of the provisions of the Delhi Electricity Reform (Transfer Scheme) Rules, 2001 as post the absorption of the petitioner, the rights and entitlement available to the petitioner were to be regulated in accordance with the Scheme until the regulations of the respondent no. 2 were to be made applicable to the petitioner. Once the petitioner's services ceased to be with the Delhi Vidyut Board, there remained no benefit, entitlement or claim which could be sought by him under the regulations of the DESU.***
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> *xx…………………..xx…………………xx*
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> *33. It is evident from a bare reading of the provisions that subsequent to the absorption of the petitioner to the respondent no. 2, he was not entitled to claim any benefit from the transferor entity. Moreover, the Sub-clause 11 of Clause 6 of the Transfer Scheme stipulates that the pending disciplinary actions against any employees initiated prior to the transfer were to be continued, and not abated, by the transferee. **This provision makes it abundantly clear that the intention of the framers of the Scheme was that the provisions of the transferee entity were to be made applicable on the personnel after their services were transferred and absorbed into the transferee Company and had to be continued accordingly. The conclusion which reasonably flows upon a bare reading of this provision suggests that the intention was to subject the personnel to the regulations of the Company to which the employees were being transferred.** Therefore, an inquiry based on the Transfer Scheme or the rules and regulations of the respondent no. 12 cannot be said to be*

in violation of the law or procedure laid down."

[Emphasis Supplied]

10. The consequence is that even where the CCS (CCA) Rules continue to apply as an interim service code under Rule 6(7) of the Transfer Scheme Rules, they operate in a modified institutional setting. The appointing and disciplinary powers stand reallocated within the transferee's corporate structure.

11. Once this prism is applied, the Petitioners' argument to treat the "*President*" in Rule 13 of CCS (CCA) Rules as the exclusive and literal source of power to initiate disciplinary action for absorbed DVB personnel serving under successor entities, is rendered untenable.

Reliance on Union of India v. B.V. Gopinath does, and does not, establish

12. The Petitioners also rely on decisions which emphasise that where the governing rules require approval of the disciplinary authority at the stage of issuance of the charge memorandum, such approval cannot be presumed or treated as a mere formality. Reliance is placed on ***Union of India & Ors. v. B.V. Gopinath***[6], where the Supreme Court held, on the facts of that case, that approval for initiation could not be equated with approval of the charge memorandum, particularly when the record disclosed that the memorandum was never placed before the identified disciplinary authority. Two clarifications are apposite. First, ***B.V. Gopinath*** turned on the governing framework in that case and the demonstrable absence of approval by the identified disciplinary authority. It does not lay down a universal rule that '*President approval*' is required in every disciplinary action governed by the

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[6] (2014) 1 SCC 351.

CCS (CCA) Rules. Secondly, the later jurisprudence noted hereinafter has expressly cautioned against reading ***B.V. Gopinath*** (and allied decisions) as a one-size-fits-all proposition divorced from the applicable rules and factual setting.

13. In ***State of Jharkhand & Ors. v. Rukma Kesh Mishra***[7], the Supreme Court undertook a careful review of the competing lines of authority, including the earlier cases, and clarified that the application of ***B.V. Gopinath*** and ***State of Tamil Nadu v. Promod Kumar, IPS & Anr.***[8] must be understood as confined to the rule-framework and facts of those cases, and that the question whether the charge memo required approval at a particular stage depends on the governing disciplinary rules and their construction.

14. This is precisely where the Petitioners' case falters. They have not demonstrated, by reference to the applicable framework governing the issuing authority in their employment set-up, that the President is the disciplinary authority for them, or that the charge-sheets mandatorily required Presidential approval as opposed to approval by the competent disciplinary authority identified within the hierarchy. The challenge rests on assumption and generalisation, rather than on a rule-based identification of the competent disciplinary authority within the post-transfer regime.

Article 311 and the "appointing authority" argument

15. The Petitioners also invoke Article 311(1) of the Constitution and asserts that no person can be dismissed or removed by an authority subordinate to the authority by which the person was appointed. Petitioners' submission proceeds on the premise that initiation of disciplinary

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[7] 2025 SCC OnLine SC 676.
[8] (2018) 17 SCC 677.

proceedings, and issuance of the charge-sheets, must invariably emanate from the appointing authority and that, failing such approval, the proceedings are a nullity. This premise does not reflect the constitutional position.

16. Article 311(1) interdicts dismissal or removal by an authority subordinate to the appointing authority. It does not, invalidate the initiation stage of a departmental proceeding. The Supreme Court in ***P.V. Srinivasa Sastry & Ors. v. Comptroller and Auditor General & Ors.***[9] has explained that disciplinary proceedings comprise distinct stages and, in the absence of a rule prescribing otherwise, initiation need not be by the appointing authority and may be undertaken by the superior controlling authority.

Rule 14 objections at the charge-sheet stage

17. The Petitioners further contend that Rule 14 (procedure for imposing major penalties) has not been followed, including objections to appointment of inquiry officers and the alleged bias of disciplinary authorities. These are not grounds to declare a charge-sheet void at inception. Rule 14 governs the conduct of the inquiry after institution, including the manner of proving charges, leading evidence, and defence. Complaints about procedural deviations under Rule 14 are ordinarily tested at the appropriate stage, and in any case require a fact-specific enquiry. They cannot be short-circuited through a consolidated writ petition seeking to nullify multiple memoranda/charge-sheets issued across a decade.

The Notification dated 1st April, 2024

18. The Petitioners also assail Notification No. HR(BYPL)/2024-25/01 dated 1st April, 2024, which sets out the disciplinary and appellate

authorities for employees of specified categories. Even on the Petitioners' own showing, several of the impugned memoranda pre-date this notification by many years. A subsequent notification delineating internal disciplinary hierarchies cannot retrospectively invalidate charge-sheets already issued, unless it is demonstrated, with specificity, that the issuing authority earlier lacked competence and that the notification constitutes an acknowledgment of such lack. No such case has been made out.

19. Further, a notification identifying disciplinary and appellate authorities within an organisation is not, on its face, inconsistent with Rule 13(2) of the CCS (CCA) Rules, which contemplates institution of disciplinary proceedings by the competent disciplinary authority. The Petitioners' argument proceeds on the erroneous assumption that any internal delegation or mapping of authority is *per se* contrary to Rule 13, which is not a tenable interpretation.

Delay, laches, and parallel proceedings

20. Several of the charge-sheets assailed in the present petition date back to 2013, 2018 and 2019. The Petitioners have not offered any satisfactory explanation for invoking the writ jurisdiction of this Court in 2026 to challenge memoranda which have either been acted upon for years or have culminated into proceedings at advanced stages. A writ court does not ordinarily exercise discretionary jurisdiction to revive stale challenges, particularly at the interlocutory stage of disciplinary process.

21. The record also indicates that the impugned memoranda and the proceedings arising from them have already travelled into other fora, and in some cases have resulted in concluded disciplinary action, with independent

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[9] (1993) 1 SCC 419.

challenges already instituted. Thus, where disciplinary proceedings have concluded and final orders are already under challenge in other proceedings, a separate collateral attack on the initial charge-sheet through a composite petition is, at the least, procedurally misconceived. The Petitioners cannot maintain parallel tracks that fragment the disciplinary challenge, unless an exceptional jurisdictional defect is clearly established. For reasons already recorded, that jurisdictional defect has not been shown.

Conclusion

22. The petition, in its present form, does not establish that the impugned memoranda/charge-sheets were issued without competence. The Petitioners' submission that Rule 13 of CCS (CCA) Rules mandates Presidential approval in every case is not borne out from the text of the said Rule, and their reliance on the '*approval*' line of authority does not assist them in the absence of a rule-specific demonstration that the President was the disciplinary authority for them and that the charge memoranda mandatorily required Presidential approval in their governing framework. The Supreme Court's clarification, in ***Rukma Kesh Mishra***, that such precedents must be applied with close attention to the governing rules and factual context reinforces this conclusion.

23. The Court is also not persuaded to entertain an omnibus challenge combining seven separate memorandum/charge-sheets over a wide temporal span, particularly when the settled discipline is that writ interference at the charge-sheet stage is exceptional.

24. The writ petition is, accordingly, dismissed. Pending application(s) are also disposed of.

25. It is clarified that this order does not preclude any Petitioner from

raising permissible defences in the respective disciplinary proceedings, or from pursuing remedies available in law against final orders, subject to limitation and maintainability.

SANJEEV NARULA, J

JANUARY 27, 2026
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