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

+ **W.P.(C) 4456/2016 & CM APPL. 38881/2024**

PRADEEP SINGH AHLUWALIA

.....Petitioner

Through: Petitioner (in-Person).

versus

**DELHI TOURISM & TRANSPORTATION DEVELOPMENT
CORPORATION AND ORS**

.....Respondents

Through: Mr. Prashanto Sen, Senior Advocate
with Mr. Siddhant Nath, Mr. Amaan
Khan, Ms. Rajlakshmi Singh and Ms.
Vanibha Mehta, Advocates for R-1
with Deputy Manager Legal.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.02.2026

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1. The Petitioner seeks a writ of certiorari to quash (i) order dated 18th September, 2006, passed by the Disciplinary Authority, imposing the penalty of compulsory retirement, (ii) the appellate order dated 18th December, 2015 passed by the Board of Respondent No. 1/Delhi Tourism & Transportation Development Corporation Ltd.,¹ and (iii) the reversion order dated 20th May, 2005. Consequential reinstatement along with seniority, promotion, arrears, and interest is also prayed for.

2. The petition arises from disciplinary proceedings initiated against the Petitioner under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965² read with the DTTDC Staff Service

¹ "DTTDC"

² "CCS (CCA) Rules"



Rules, 1986, culminating in an enquiry report dated 21st May, 2004 holding both articles of charge proved, followed by order dated 18th September, 2006, imposing the penalty of compulsory retirement.

3. This is the second round of litigation. In the first round, W.P.(C) 12871/2009, this Court, by judgment delivered on 22nd September, 2015, upheld the decision to proceed with the disciplinary proceedings *ex parte* and declined to interfere with the penalty imposed. The appellate order then in force dated 30th May, 2007 was set aside only because it did not deal with one specific stand of the Petitioner. The appeal was remanded for fresh consideration confined to that aspect, without disturbing the penalty order dated 18th September, 2006.

4. The present petition therefore turns, in substance, on whether the appellate order dated 18th December, 2015 complies with the remand mandate and whether it suffers from illegality that warrants interference under Article 226 of the Constitution.

Factual Background

5. The facts of the case are as follows:

5.1. The Petitioner was served with a memorandum of charge dated 7th March, 2003 proposing an enquiry under Rule 14 of the CCS (CCA) Rules. Article I alleged that on 31st March, 2000, while posted at the New Delhi Railway Station Tourist Information Counter, the Petitioner reported late, did not wear a name plate, and refused to sign the prescribed inspection proforma, which was treated as wilful insubordination and disobedience.

5.2. Article II alleged that after closure of the Noida Information Counter in February, 2001 and transfer of the Petitioner to the Catering Division by office order dated 1st March, 2001, the Petitioner did not report for duty in



the Catering Division, yet continued to sign and forward absentee statements for the period between 16th March, 2001 to 15th February, 2002 as if he remained Incharge, Noida Information Counter, routing them directly to the salary section without countersignature or verification, thereby drawing salary despite not reporting for duty.

5.3. The enquiry culminated in a report dated 21st May, 2004 holding both charges proved. The enquiry proceeded *ex parte* for much of its course, based on the finding that the Petitioner avoided service and did not participate despite opportunities.

5.4. A copy of the enquiry report was forwarded to the Petitioner by letter dated 2nd June, 2004, who submitted his response on 5th July, 2004. The Disciplinary Authority imposed the penalty of compulsory retirement with admissible benefits by order dated 18th September, 2006.

5.5. The Petitioner preferred an appeal against the aforesaid order, which was dismissed by the Board of Directors on 30th May, 2007 after personal hearing.

5.6. The Petitioner filed W.P.(C) 12871/2009 challenging the penalty order dated 18th September, 2006 and, consequentially, the appellate order. By judgment dated 22nd September, 2015, this Court examined the record on service, participation, and the decision to proceed *ex parte*. The Court held that the Petitioner had knowledge of the enquiry and avoided service and appearance. The Court also examined the material supporting both charges and declined to disturb the penalty order.

5.7. The Court, however, noticed that in the appeal, the Petitioner had taken a specific stand that the transfer order dated 1st March, 2001 was not served on him and that after recovery from treatment, he continued to work



at Noida and sign absentee statements under an honest belief of continued posting. The Court held that this stand was relevant and could bear on Charge II and the penalty. Since the Appellate Authority had not returned any conclusion on this stand, the appellate order dated 30th May, 2007 was set aside and the appeal was remanded for fresh consideration limited to that aspect. The penalty order dated 18th September, 2006 was expressly left undisturbed.

5.8. Upon remand, the Board heard the Petitioner again and passed the impugned order dated 18th December, 2015 dismissing the appeal.

Petitioner's Submissions

6. The Petitioner, appearing in person, challenges the disciplinary action and the appellate decision on a wide canvas. His primary attack is that the charge-sheet dated 7th March, 2003 is not framed in accordance with the DTTDC Staff Service Rules, 1986, and that the Disciplinary Authority wrongly placed reliance on those rules. The Petitioner contends that the Articles of Charge are not drawn under the relevant provisions of the Staff Service Rules that govern him, and that the foundational jurisdiction to proceed in the manner adopted is therefore missing.

7. In the same vein, he asserts that Rule 14 of the CCS (CCA) Rules was not followed in substance. He enumerates a series of alleged procedural lapses, stating that multiple clauses of Rule 14 were breached at each stage. The grievance, as framed, is that the mandatory steps for a major penalty enquiry were not complied with, including service, disclosure of relied upon documents, fair opportunity to submit defence, proper constitution of the enquiry, and fair conduct of proceedings. He also invokes Rule 15 and related Government of India's decisions to contend that the Disciplinary



Authority proceeded mechanically without satisfying itself on procedural compliance.

8. A substantial portion of the Petitioner's case is built around service of the communications. He asserts that Respondent No. 1's record of postal communications placed in the earlier round (and again relied upon) consists of "tempered" and forged materials. He points to several pages in the compilation and asserts that the endorsements of the Petitioner's refusal to receive postal communications is manipulated. He claims to have sought information from postal authorities under the RTI Act to support this allegation. The argument is that the "theory of deemed service" cannot be invoked in a disciplinary enquiry of this nature and that actual service of charge-sheet, notices, and relied upon documents was essential because a defence could not be meaningfully tendered without them.

9. The Petitioner questions the reliability of service through messenger, describing them as plain-paper acknowledgements lacking date, stamp, proper authority, or valid attestation. On this premise, he alleges that the Respondents later created paperwork to justify an enquiry conducted behind his back and to support an *ex parte* outcome.

10. The Petitioner also assails the enquiry as vitiated by gross infirmities and denial of natural justice. The broad thrust is that the enquiry officer did not ensure proper service of the charge-sheet and the relied upon record, proceeded *ex parte* unlawfully, and recorded evidence without affording opportunity for cross-examination.

11. Emphasising on the lack of fairness, the Petitioner asserts that after he received the enquiry report, he sought documents necessary to make an effective representation, but the Disciplinary Authority did not supply them.



He alleges that the copy of the enquiry report supplied to him was defective and that, without the relied upon documents, any representation would be illusory. He therefore contends that the Disciplinary Authority failed to consider his representation dated 5th July, 2004, and acted without curing the denial of a fair opportunity.

12. He alleges that the earlier appellate order dated 22nd May, 2007 was devoid of facts and relied on unrelated material merely to complete a formality. As regards the second appellate order dated 18th December, 2015, he contends the Board did not act in the true spirit of the remand directions and treated the rehearing as a ritual rather than a real reconsideration.

13. The Petitioner asserts that the disciplinary proceedings were initiated as an act of vendetta at the instance of the then MD and CEO, whom he names, arising out of an incident in January, 2003 where he declined to comply with an illegal command, faced abusive conduct, and lodged a complaint thereafter. He states that suspension followed on 30th January, 2003, and a sequence of proceedings was started in quick succession to punish him, including a charge-sheet dated 14th February, 2003 that remained inconclusive and was later kept in abeyance after he was compulsorily retired. He alleges that the later charge-sheet dated 7th March, 2003, which is the subject matter here, was premised on unmentioned “subsequent complaints” and that this narrative was used to mislead the Court in the earlier proceedings.

14. He contends that the Disciplinary Authority did not scrutinise whether the charges were clear, definite, and framed under the correct provisions, and also did not examine whether the enquiry was conducted as mandated by the CCS (CCA) Rules. He also alleges that the Disciplinary Authority



was influenced by extraneous considerations, including past record and observations of other officers, and imposed a penalty not traceable to the penalties contemplated by the DTTDC Staff Service Rules, 1986.

15. The Petitioner asserts that the punishment is shockingly disproportionate. He argues that Charge I relates, at its highest, to late reporting by around twenty minutes and refusal to sign a proforma on a single inspection, which could not justify a major penalty. On Charge II, he contends that there was no dishonest intent, placing reliance on his medical condition around February, 2001. He maintains that compulsory retirement, when imposed as a punitive measure carrying stigma and flowing from a disciplinary finding, attracts Article 311(2), and that the action is arbitrary and violates Articles 14 and 21.

16. He attacks the reversion order dated 20th May, 2005 and asserts that compulsory retirement is arbitrary. The reduction in rank and compulsory retirement have been imposed without a clear, lawful basis and following fair and due process.

17. The Petitioner levels allegations against particular officers and refers to incidents, including the handling of the attendance register in September, 2006 to prevent him from marking attendance on the date the compulsory retirement order was served. He also makes allegations of corruption and impropriety against the Disciplinary Authority in relation to other appointments and vigilance matters, asserting that these circumstances show bias and predisposition.

18. He further contends that the enquiry report is without authority because, on his reading of the record, the enquiry officer's appointment order bears a date later than the enquiry report, suggesting an impossibility



that, according to him, vitiates the entire proceeding.

Respondents' Case

19. Mr. Prashanto Sen, Senior Counsel for Respondents, opposes the petition on maintainability challenging the merits of charges. It is urged that the judgment of this Court dated 22nd September, 2015 in W.P.(C) 12871/2009 has attained finality and bars re-agitation of settled issues. The present petition can only test the appellate order dated 18th December, 2015 against the limited remand mandate. Mr. Sen emphasises that the earlier judgment of this Court upheld the decision to proceed *ex parte* and left the penalty order dated 18th September, 2006 undisturbed. The only remand point was the Petitioner's plea that the transfer order dated 1st March, 2001 had not been served, with consequential bearing on Charge II and the penalty. It is submitted that the Board has complied with the remand by granting personal hearing and confronting the Petitioner with his own letter received on 19th March, 2001, which acknowledges his transfer to the Catering Division, and which he admits to have written and signed. The order dated 18th December, 2015 is therefore reasoned and within jurisdiction. It is further submitted that the enquiry findings rest on evidentiary material, the standard is preponderance of probabilities, and the Court ought not to recalibrate punishment in writ jurisdiction, unless it shocks the conscience.

Analysis and findings

20. In light of the earlier decision dated 22nd September, 2015 in W.P.(C) 12871/2009 attaining finality, the following issues arise for consideration:

- i. What is the permissible scope of adjudication in the present writ petition, having regard to the findings rendered earlier and the principle of



finality in litigation, and whether the challenges to the enquiry process and the penalty order dated 18th September, 2006 are barred;

ii. Whether the appellate order dated 18th December, 2015 complies with the remand mandate and reflects due application of mind on the limited aspect identified by the earlier judgment; and

iii. Whether, within the limited scope left open, the impugned appellate order (and the penalty insofar as it is incidentally examined for that purpose) is vitiated by perversity, procedural unfairness, or manifest arbitrariness warranting interference under Article 226.

Maintainability and the binding effect of the earlier judgment

21. The first task is to identify the permissible field of enquiry in this second round. The earlier judgment dated 22nd September, 2015 in W.P.(C) 12871/2009 decided, after examining the record, that the Petitioner had knowledge of the enquiry proceedings and intentionally avoided service and appearance. The Court held that the plea of lack of communication and lack of authority of the Enquiry Officer was untenable. The Court further observed that the charges were proved in the enquiry and that the Disciplinary Authority was justified in accepting the enquiry findings and imposing the penalty. The Court accordingly did not disturb the order dated 18th September, 2006. The Petitioner did not challenge that judgment. Those findings therefore bind the parties and have attained finality.

22. Finality serves a purpose. Litigation cannot be permitted to run in circles by re-labelling settled issues as fresh grievances. The principle of res judicata, including constructive res judicata, applies to writ proceedings as well. The Supreme Court in ***Hope Plantations Ltd. v. Taluk Land Board***,



Peermade,³ has explained that once a competent court pronounces upon an issue between parties, the same issue cannot be reopened in subsequent proceedings.

23. The Petitioner's submissions on alleged violation of Rule 14 of the CCS (CCA) Rules, alleged fabrication of postal records, denial of opportunity during enquiry, and the entire attack on the *ex parte* course of the enquiry fall within what the earlier judgment considered and rejected. Even where the Petitioner adds detail, the essence remains unchanged. The earlier judgment expressly dealt with service attempts, refusal endorsements, the Petitioner's appearance on 5th December, 2003, refusal to accept copies on 18th December, 2003, and subsequent non-participation. That chapter has closed.

24. The Petitioner's attempt to bring the reversion order dated 20th May, 2005 into the present writ petition fares no better. The reversion order predates the penalty order by more than a year and was available to be challenged earlier. The Petitioner did not assail it in the earlier writ. The challenge now suffers from delay and laches. More importantly, the remand in 2015 did not reopen other collateral issues. It was confined to a narrow appellate review.

25. The scope of the present challenge, therefore, is confined to examining the appellate order dated 18th December, 2015 against the limited remit of the remand. The Court will proceed on that footing.

The remand mandate and the appellate order dated 18th December, 2015

26. The earlier judgment did not direct a rehearing on every aspect of the enquiry. It identified one omission in the appellate decision, concerning the

³ (1999) 5 SCC 590.



Petitioner's specific plea that the transfer order dated 1st March, 2001 had not been served on him, and that this had a bearing on Charge II and possibly the penalty. The remand directed the Appellate Authority to consider the appeal afresh on that aspect, after personal hearing, within a stipulated period, while leaving the penalty order undisturbed.

27. The appellate order dated 18th December, 2015 records that the Board understood the limited scope of the remand and, *inter alia*, made the following observations:

"The Board specifically asked the Appellant to read out the Hon'ble High Court's Order i.e. Para 15 specific as the Appellate Authority / Board of Directors has been specifically mandated by the court to hear him on this specific point. Shri Pradeep Singh Ahluwalia was asked by the Board to re-confirm the bone of contention that the transfer order dated 1st March, 2001 was not served upon him and or he has forgotten about the status. Shri Pradeep Singh Ahluwalia categorically confirmed that he never received any transfer order consequent to the closure of Noida Information Counter to Catering Division.

Shri Pradeep Singh Ahluwalia further submitted before the Board that he was promoted on 01/03/2002 vide Office Order No.F.7/162/83/DTTDC/Pt./1259 and he was chargesheeted on 07/03/2003. He argued that since he was promoted only 15 days before, how can the Corporation chargesheet him.

The Board desired to see a copy of the order of DTTDC regarding closure of Noida Information Office as well as copy of transfer order dated 1st March, 2001 of Shri Pradeep Singh Ahluwalia. The DTTDC officials produced the copy of the same to the Board. It was further asked to provide a copy of transfer dated 1st March, 2001 to Shri Pradeep Singh Ahluwalia obtaining his signatures immediately.

The Board asked Shri Pradeep Singh Ahluwalia to recall whether he received transfer order dated 1st March, 2001 transferring him to Catering Division as per his plea in the Hon'ble High court. The Board then showed the letter written by Shri Pradeep Singh Ahluwalia to MD & CEO, DTTDC dated nil which was received in MD & CEO office on 19/3/2001 vide diary No.579. The contents of his application are re-produced hereunder:-

"The undersigned is working as SUPERVISOR in the Corporation for past 18 years, in Tourism Division. Due to closure of the Information Office at Noida, I have been transferred to Catering Division. Since I am a heart patient



awaiting By-pass surgery, it will be difficult for me to perform duties at places where I have to exert. I shall, therefore, request your goodself to let me continue my duties in Tourism Division (Information Offices) or place my services in a Division where I have to do only sitting work, i.e., Order Section of IMFL Division. I shall ever remain thankful to you for this kind of act."

Shri Pradeep Singh Ahluwalia admitted that he had written that letter and he also acknowledged about his signature. But, he also submitted to the Board that he was admitted in the Hospital and it was written while he was in Hospital.

Shri Pradeep Singh Ahluwalia further informed the Board that he used to send absentee statement directly to Finance Division in view of his powers as he had the approval for the purpose from the Chairman. But, he failed to produce any documentary evidence for the same. Shri Pradeep Singh Ahluwalia was again asked to intimate whether he was following the office procedure correctly. In reply, he stated that he always deals directly to curtail the process without following the procedure.

The Board considered the written as well as oral submission made by Shri Pradeep Singh Ahluwalia and observed that the letter written by Shri Pradeep Singh Ahluwalia received on 19/03/2001 has clearly established that Shri Ahluwalia was very much aware about his transferred and made a request for stopping the transfer or transferring to liquor Division. The place of writing the letter is not relevant as the Appellant has acknowledged his writing and signature of the said letter."

[Emphasis Supplied]

28. The aforesaid order makes it clear that the Board duly called the Petitioner for personal hearing and asked him to confirm the "bone of contention", namely, his assertion that the transfer order dated 1st March, 2001 was not served and that he remained unaware of transfer to the Catering Division.

29. The Board then confronted the Petitioner with a letter authored by him, received in the office of the Managing Director and CEO on 19th March, 2001. The letter, in substance, states that due to closure of the Information Office at Noida, the Petitioner had been transferred to the Catering Division. It requests that he be allowed to continue in Tourism



Division or be posted to a section involving sitting work on account of his medical condition.

30. The Petitioner admitted that he wrote the letter and acknowledged his signature. The Petitioner's explanation was that it was written while he was in hospital. The Board recorded that the place of writing does not detract from the admission as to authorship and signature.

31. The Board also called for and examined records regarding closure of the Noida Information Office and the transfer order dated 1st March, 2001. The order records that the Petitioner was shown the documents. The Board further examined the Petitioner's leave records for the relevant period and recorded its understanding of how leave was processed.

32. On this material, the Board concluded that the Petitioner was aware of transfer to the Catering Division. The Board therefore rejected the plea of non-service and held that the Petitioner's stand before the Court in the earlier round was incorrect.

33. The question that now arises before this Court is not whether this Court would write the order differently, but whether the Appellate Authority addressed the remand point, considered relevant material and reached a conclusion that is not perverse.

34. On a plain reading of the aforesaid appellate order, it is amply clear that the remand point was addressed in direct terms. The Board identified the precise contention and confronted the Petitioner with a contemporaneous document emanating from him. It recorded his admission, weighed his explanation and rejected it as immaterial to the fact of knowledge. Therefore, the Petitioner's contention that the appellate hearing was a mere formality is devoid of any merit.



35. The Petitioner contends that “actual service” of the transfer order was essential, and that knowledge cannot substitute service. That proposition is too broadly framed and overstates the law. Service is a means to ensure notice and opportunity. If the record establishes that the employee had notice and acted on that notice, the complaint that the formal order did not reach his hands loses force, unless prejudice is shown.

36. The letter dated 19th March, 2001, admitted by the Petitioner, is not a vague reference. It speaks of transfer to Catering Division because of closure of the Noida office and seeks a different posting. This is not consistent with the plea that the Petitioner remained unaware of any transfer order. On the remand point, the Board was entitled to treat this document as decisive.

37. The Petitioner also asserts that he continued to function at Noida and that he signed absentee statements in that capacity. That assertion rests on the same foundation as the non-service plea. Once the Petitioner knew of transfer to Catering Division, the continuation narrative loses its anchor. Even if the Petitioner suffered ill-health, the proper course was to regularise leave, seek posting accommodation, or report and obtain direction. It was not open to treat oneself as continuing Incharge of an office that stood closed and to route absentee statements directly to the salary section without verification.

38. The Petitioner attacks the Board’s observation, contending that they “misled the High Court”. This Court considers that the appellate authority would have done better to confine itself to the evidentiary conclusion and avoid attributing motive. Still, the presence of a sharp remark does not vitiate the decision as it rests on relevant material and responds to the



remand.

39. The Court therefore holds that the appellate authority complied with the remand, applied its mind to the limited aspect identified by the earlier judgment, and returned a conclusion supported by material.

Residual grounds on merits and proportionality

40. The Petitioner presses, once again, that the penalty is disproportionate and offends Articles 14, 21, and 311(2). This submission also stood substantially addressed in the earlier judgment, which found the enquiry process sustainable and the disciplinary decision justified.

41. Even otherwise, within the narrow residual space available after finality, the Court does not find any basis to interfere on proportionality. The Supreme Court has reiterated that disciplinary charges are tested on a preponderance of probabilities and not by strict criminal standards, and that interference under Article 226 is warranted only in cases of perversity, procedural unfairness, or a punishment that shocks the conscience.⁴

42. In this case, Charge I concerns late reporting, failure to wear a name plate, and refusal to sign an inspection proforma. Standing alone, it might have attracted a lesser response; however Charge II is of a different order. It alleges, and the enquiry found, that the Petitioner did not report for duty after transfer, yet continued to forward self-signed absentee statements as if posted at Noida, routed them directly to salary without verification, and drew salary for a prolonged period.

43. An employer is entitled to treat such conduct as touching integrity and trust. In service jurisprudence, where misconduct involves dishonesty or a course of conduct that undermines organizational discipline, the Court does



not sit as a super-disciplinary authority to recalibrate punishment.

44. The Supreme Court has repeatedly held that judicial review in disciplinary matters does not extend to re-appreciation of evidence, and that punishment lies within the disciplinary domain unless it shocks the conscience or is vitiated by perversity, *mala fides* proved by material, or manifest arbitrariness.⁵

45. The Petitioner's argument with respect to Article 311(2) also does not carry the matter forward in this round. The earlier judgment held that the Petitioner was rightly proceeded *ex parte* because he avoided the proceedings, and that he was later supplied the enquiry report and responded. Once the earlier judgment has attained finality, this Court cannot reopen that enquiry stage.

46. The Petitioner alleges malice and vendetta against the then MD and CEO, and levels further allegations against other officers. These allegations are broad, accusatory, and largely unsupported by particulars that can be tested in writ jurisdiction. The earlier judgment also declined to entertain malice allegations against a person not impleaded. The Petitioner cannot use the present round to revive those claims.

47. The Petitioner further alleges that postal service records were forged and refers to RTI steps; however, this Court cannot convert writ proceedings into a fact-finding trial on alleged forgery when the earlier judgment already examined the service record and returned findings on knowledge and avoidance. If the Petitioner had material establishing fabrication, the proper course was to place it in the first round and pursue appropriate remedies.

⁴ R.R. Parekh v. High Court of Gujarat, (2016) 14 SCC 1.

⁵ V.S.P. v. Goparaju Sri Prabhakara Hari Babu, (2008) 5 SCC 569; R.R. Parekh v. High Court of Gujarat, (2016) 14 SCC 1



48. The Petitioner contends that the enquiry report predates the appointment of the Enquiry Officer due to a mismatch in dates. Such a contention, even if raised, does not assist him in this round. First, it was available in the earlier round. Second, the record shows that the enquiry proceedings ran through the period when the Petitioner was repeatedly called upon to participate and the management witnesses were examined. A clerical misstatement about an office order date, without proof of prejudice, cannot invalidate the disciplinary process, more so after finality has attached.

Conclusion

49. For the reasons discussed, the Court finds no perversity, illegality, or denial of fair opportunity in the impugned order that warrants interference under Article 226.

50. The writ petition is dismissed. Pending applications, if any, stand disposed of.

SANJEEV NARULA, J

FEBRUARY 24, 2026/as