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

Judgment reserved on : 09.02.2026
Judgment pronounced on : 04.05.2026

\+ **W.P.(C) 15978/2023**

RAM BABU .....Petitioner

Through: Mr. Vikas Verma, Mr. Naman Dwivedi, Mr. Krishan Aggarwal, Advs.

versus

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

Through: Ms. Avshreya Pratap Singh Rudy, CGSC with Mr. Ankit Khatri, Ms. Usha Jamnal, Ms. Nyasa Sharma, Advs. for Delhi Police.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

AMIT MAHAJAN, J.

1. The present Writ Petition has been filed under Article 226 of the Constitution of India, 1950, assailing the order dated 19.09.2023 (*hereinafter* ***'Impugned order'***) passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (*hereinafter* ***'Tribunal***) *vide* which the O.A. filed by the Petitioner, seeking quashing of the Memorandum of Charge dated 29.04.2016, Inquiry Report dated 02.12.2016, the Penalty order dated 01.05.2017 and the

Appellate Authority's order dated 10.10.2017 with all consequential benefits, was dismissed.

2. Succintly stated, the Petitioner/Sh. Ram Babu was initially enrolled with the Indian Army at 6 Guards as a *Civilian Carpenter*. He was subsequently posted to CCS ASP, Air Force Station, Faridabad on 27.02.1991 as *Civilian Carpenter (Group 'C').*

3. The Disciplinary Authority, Station Commander, 56 ASP, issued the Memorandum of Charge dated 29.04.2016, containing the below mentioned charges: -

> " ***Article I***
>
> *That, the said Shri Ram Babu, PA No. 37014-S, while working as Carpenter, in 56 ASP, AF, during the period from 21 April 2015 to 20 April 2016,* ***when he was not the office bearer of the Civilian Karamchari*** *Union, 56 ASP, AF, a registered trade union under Registration of Trade Union Act XVI of l926,* ***without any authority, has collected the subscription on the name of the Civilian Karamchari Union, 56ASP, AF. The said Shri Ram Babu, during the aforesaid period and while working in the aforesaid Unit, committed the said act which is unbecoming of a Government servant. Thus, he violated Rule 3 (1) (i) (iii) of the CCS (Conduct) Rules, 1964.***
>
> ***Article II***
>
> *That, during the aforesaid period and while functioning in the aforesaid Unit, the said Shri Ram Babu,* ***without authority by, using the Registration No. of the Civilian Karamchari Union, 56 ASP, AF had forged and used the fake receipt book on the name of Civilian Karamchari Union, 56 ASP, AF.*** *The said Shri Ram Babu committed the said act which is unbecoming of a Government servant. Thus, he violated Rule 3 (1) (i) (iii) of the CCS (Conduct) Rules, 1964.*
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> ***Previous Penalties: A Special Charge: Article-Ill***

That, in the past, said Shri Ram Babu had been awarded three (two minor and one major) penalties. The details of penalties are mentioned as hereunder:

(a) Vide Order dated 05 March 2012; Shri Ram Babu had been awarded a penalty of "CENSURE" for refusal, to comply with written orders of Superior Officer.

(b) Vide Order dated 29 May 2015, Shri Ram Babu had been awarded a penalty of Withholding of one increment of pay for a period of one year, without cumulative effect, for refusal to proceed on attachment to 32 Wing, AF, detailed by HQ WAC, vide signal no. PC/104 dated 23 Feb 15.

(c) Vide Order dated 04 January 2016, Shri Ram Babu had been awarded a major penalty of reduction of pay by one lower stage from Rs.12200 / - to Rs.11770/- for a period of two years, for making false allegations against the Officials.

It is hereby mentioned that the aforesaid previous bad record/penalties of the said Shri Ram Babu, will be taken into consideration in disposal of the present memorandum of charge."

4. The statement of imputation of misconduct in support of the Article of charge is reproduced herein below: -

" Statement of imputation of misconduct or misbehavior in support of the articles of charge framed against Shri Ram Babu, Carpenter, PA No. 37014-S.

Article I

That the said Shri Ram Babu, PA No. 37014-S, while working as Carpenter, in 56 ASP, AF, during the period from 21 April 2015 to , 20 April 2016, when he was not the officer bearer of the Civilian Karamchari Union, 56 ASP, AF, a registered trade union under Registration of Trade Union Act XVI of 1926, cheated the members of . the Union, and thereby without any authority during the aforesaid period, has collected the subscription, on the name of the Civilian Karamchari Union, 56ASP, AF.

The said Shri Ram Babu, during preliminary inquiry,.in his statement on 01 March 2016, has admitted that he has collected the subscription from approximately 30 civilian employees of the Station.

Said Shri Ram Babu, admitted that in the year 2012, he was elected Joint Secretary of the Union, and the term of office bearers is 05 years, therefore presently, he is the Joint Secretary of the Union and therefore authorised to collect the subscription. Said Shri Ram Babu, admitted that it is the first occasion, in the year 2015, when he collected the subscription from the employees. Before the year 2015, he never has collected the subscription from the employees. Shri Ram Babu admitted that the entire amount, he has collected is available with him in cash.

The said Shri Ram Babu, during the aforesaid period and while working in the aforesaid Unit, willfully cheated the civilian employees of Unit by personation, due to which organisation cannot rely on the faithfulness of Shri Ram Babu. By the said act Shri Ram Babu, has acted in a manner which is unbecoming of a Government servant. Thus, he violated Rule 3 (1) (i) (iii) of the CCS (Conduct) Rules, 1964.

Article II

That during the aforesaid period and while functioning in the aforesaid Unit, the said Shri1 Ram Babu, without authority by using the Registration No. of the Civilian Karamchari Union, 56ASP, AF had forged and used the fake receipt book on the name of Civilian Karamchari Union, 56 ASP, AF. Shri Ram Babu has used the said fake receipt book and fraudulently issued its leaf to the civilian employees of the Unit and collected the subscription on the name of the said Union.

The said Shri Ram Babu, has committed such an unlawful act that all reasonable men will say that employee cannot be trusted. By the said act Shri Ram Babu, has acted in a manner which is unbecoming, of a Government servant. Thus, he violated Rule 3 (1) (i) (iii) of the CCS (Conduct) Rules, 1964.

Previous Penalties; A Special Charge: Article-III

That in the past, the said Shri Ram Babu had been awarded three (two minor and one major) penalties, The details of penalties are mentioned as hereunder:

(a) Vide Order dated 05 March 2012, Shri Ram Babu had been awarded a penalty of "CENSURE" for

> *refusal.to comply with written orders of superior officer.*
> *(b) Vide Order dated 29 May 2015, Shri Ram Babu had been awarded a penalty of "Withholding of one increment of pay for a period of one year, without cumulative effect, in terms of Rule 11(iv) of CCS(CCA) Rules,1965, by Discipline Authority for. refusal to proceed on attachment to 32 Wing, AF, detailed by HQ WAC, vide signal no. PC/104 dated 23 Feb 15.*
> *(c) Vide Order dated 04 January 2016, Shri Ram Babu had been awarded' a major penalty, in terms of Rule 11 read with Rule 15 of CCS(CCA) Rule, 1965. The penalty runs as hereunder*
> *"If is ordered that the pay of Shri Ram Babu, Carpenter, 56 ASP, AF, be reduced by one lower stage from Rs.12200/- to Rs.11770/- (at present Shri Ram Babu, is in the scale of Pay Band-1 of Rs.5200-20200) for a period of two years with immediate effect. It is further directed that Shri Ram Babu will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will not have the effect of postponing his future increments of pay, in terms of Rule 11(v) of CCS(CCA) Rules,1965".*
> *The said penalty, was awarded by the discipline authority for making false allegations against the Officials."*

5. The Petitioner submitted reply to the Articles of Charges on 13.06.2016 during the Preliminary Inquiry. The Disciplinary Authority directed inquiry against the delinquent official under Rule 14 CCS (CCA) Rules, 1965.

6. Though several notices to appear (from June 2016 to September 2016) and information that he will be proceeded *ex-parte* if he does not appear, were duly furnished to the Petitioner, despite receipt and acknowledgement of the same, he did not appear before the Inquiry Authority. Therefore, *vide* order dated 15.09.2016, the Inquiry Authority proceeded *ex- parte* against the Petitioner and after perusal

of the evidence on record (including statements of 8 witnesses and his admission that he had collected the subscription money) held the Petitioner guilty in terms of Article I and Article II. The relevant extract is reproduced as under: -

> ***"xxx xxx xxx***
>
> *DO had submitted the written statement of defence dated 13 June 2016, in reply to the articles of charge, wherein, he had stated that he was the Joint Secretary of the union, but he was not informed by the newly elected body to this effect that he is not a office bearer. He admitted the fact of collection of money from the civilian employees of 56 ASP,' AF.* ***He admitted that he has collected an amount of Rs. 3000/- which is held by him. Further, he stated that as a member of the union collection of subscription is his responsibility and the charges framed against him are baseless and illegal.***
>
> ***xxx xxx xxx***
>
> ***Finding on Article -I***
>
> *Through Exhibit S-7 & SW-6/A (both same documents), it is established that the tenure of the officer bearer of the Union is one year. On the basis of deposition of SW-1, which is corroborated by exhibit S-3 and SW-6/B, it is established that the election of Union was held on 21 April 2015 and on said day, DO was not elected to any office of the Union.* ***Therefore, it is established that DO was not the office bearer of the Union during the period from 21 April 2015 to 20 April 2016.***
>
> *On the basis of deposition of SW-5, which is corroborated by exhibit S-7 and' SVVr6/A, it is established that treasurer of the Union is the only authorised person to receive all sums of money for and on behalf of the union;' the members of the union are not authorised to receive subscription amount for the Union. Only the treasurer is responsible to keep the accounts of the Union.* ***Therefore, it is established that during the period***

from 21 April 2015 to 20 April 2016, DO, was not authorised to collect the subscription on behalf of the Union.

DO, in his written statement of defence dated 13 June 2016, has admitted that he had collected Rupees 3000 /- from the civilian employees of the Station. *Further,' on the basis of deposition of SW-1,SW-2, SW-3, SW-4, SW-5, SW-7 & SW-3, corroborated through exhibit SW-2/A, SW-7/A & SW 8/A,* ***it is proved that in the month of October 2015, DO had collected the subscription from the civilian employees of the Station on the name of the Union by false statement that he is being authorised by the union to collect the subscription.***

Hence, article I is proved.

Finding on Article -II

On the basis of deposition of SW-2, SW-3, SW-4, SW-7 & SW-8, corroborated through exhibit SW-2/A, SW-7/A & SW-8/A, it is proved that ***DO had signed and issued a receipt for an amount of Rs. 100/-, which he took from them.*** *When exhibit SW-1/C, is compared with SW-2/A, SW-7/A & SW - 8/A , it is found that the receipt issued by the DO is different from the receipt which is prepared by the Union.*
On the basis of Exhibit S-7 and SW-6/A, it is established that the General Body of the Union is empowered to pass budget for the expenses incurred in preparation/printing of the receipt book on behalf of the Union. From the deposition of SW- 5, it is established that executive committee of the Union unanimously take decision for the preparation/printing of reciepts for the Union. ***In view of said illustration, DO, neither have authority to use the registration no. of Union and nor could prepare the receipt book, by using the registration no. of Union. Therefore, it is proved that DO, without authority, had forged the said receipts (exhibits SW-2/A, SW-7/A & SW-8/A) with the intention to collect the subscription from the civilian employees of the union.***

Hence, Article II is proved."

7. The Disciplinary Authority, after considering the Inquiry Report, past record of the Petitioner and the representations of the Petitioner, affirmed the report of the Inquiry Authority and imposed a penalty of *"Compulsory Retirement"* upon the Petitioner. The relevant extract is reproduced herein below: -

> *"To be* ***Compulsorily Retired*** *from service w.e.f 01 May 2017 (after duty hours), in terms of Rule 11(vii) of CCS (CCA) Rules,1965".*

8. Aggrieved, the Petitioner submitted an appeal under Rule 27 of CCS (CCA) Rules, 1965 and also filed an addendum to the appeal raising additional grounds to assail the above orders. On 10.10.2017, the Appellate Authority, after considering the relevant submissions, Inquiry Report, Order of the Disciplinary Authority and evidence on record, dismissed the appeal of the Petitioner by way of an elaborate speaking order, with observations that the alleged "*misconduct*" stood clearly established by way of the evidence on record and there existed no ground to interfere with the penalty imposed by the Disciplinary Authority.

9. On 11.09.2018, the Petitioner filed an O.A. No. 3679/2018 before the learned Tribunal, for quashing and setting aside the Memorandum of Charge dated 29.04.2016, Inquiry Report dated 02.12.2016, the Penalty order dated 01.05.2017 and the Appellate order dated 10.10.2017 with all consequential benefits.

10. The learned Tribunal, recorded that the Petitioner had confined his arguments only to the sole ground the present dispute does not fall within the ambit of the CCS (Conduct) Rules, 1964 and the conduct of

the Petitioners not amenable to the same. Upon perusal of the entire record, the learned Tribunal dismissed the O.A., with the observations that the Articles of Charges I and II pertained to allegations of financial misconduct and recorded a finding that the Petitioner is guilty of using forged and fake receipts and of unauthorizedly collection of money, which amounts to "*misconduct*" and thus, squarely governed by the CCS (Conduct) Rules, 1964. It was also duly recorded that the Principles of Natural Justice were duly and strictly adhered to in the Disciplinary Proceedings and even the procedure prescribed under the relevant rules was meticulously followed. The relevant para is reproduced herein below: -

> *"5. We have heard the learned counsel for the parties and also perused the record.* ***The learned counsel for the applicant has confined his entire oral argument before us to a sole ground that the present issue does not fall under Central Civil Services (Conduct) Rules, 1964 nor is the applicant's conduct amenable to the provisions of the said Rules.*** *He has argued that the issue pertains merely to the affairs of Employees' Union, hence the applicant's conduct is not liable to be questioned.* ***He has not offered any other argument and questioned the maintainability of the disciplinary proceedings initiated invoicing the provisions of Central Civil Services (Classification, Control and Appeal) Rules, 1956, reiterating that conduct as a leader/member of the Union cannot be questioned in disciplinary proceedings.***
>
> 6. *Accordingly, we have given a careful reading to the entire set of documents. We do not find any infirmity in the article of charges issued to the applicant. We repeat that charges 1 and 2 are allegations of financial misdemeanour; in fact, they also mention that the applicant is guilty of using forged and fake receipts and collecting*

> *money unauthorizedly. How could these acts not come under the provisions of Conduct Rules is inexplicable.* ***We find that the principles of natural justice have been meticulously observed by strict adherence to the procedure laid down for disciplinary proceedings.*** *The applicant has been afforded adequate opportunity to respond to the charges, Inquiry officer has conducted a detailed inquiry and discussed each and every evidence that has come forth.* ***The Disciplinary Authority in its order has examined the report of the Inquiry Officer and passed a detailed reasoned and speaking order, and further the order passed by the Appellate Authority too is an exhaustive order. The argument put forth that neither the Central Civil Services (Conduct) Rules, 1964 nor the Central Civil Services (Classification, Control and Appeal) Rules, 1965 are applicable to the case of the applicant is absurd to say the least. The applicant claims a place on a pedestal above law and we cannot allow it.***
> *7. Accordingly, the OA stands dismissed."*

11. Aggrieved, the Petitioner has now approached this Court.

12. The learned counsel for the Petitioner has submitted that the allegations made in the memorandum of charge do not come within the ambit and scope of the CCS (Conduct) Rules, 1964 or CCS (CCA) Rules 1965 and any grievance *qua* the Civilian Karamchari Union, 56 ASP AF was the subject matter to be dealt with Registrar of Trade Union.

13. He submits that the learned Tribunal has erroneously observed that the Principles of Natural Justice have been adhered to in the present matter.

14. He further submits that the learned Tribunal has failed to consider that the Station Commander is not competent to issue charge sheet to any group 'C' employee nor is he the competent authority to

impose any penalty and thus, the Memorandum of Charge being issued by the incompetent Authority is liable to be set aside.

15. *Per contra*, the learned counsel for the Respondents submits that the Petitioner was inflicted with a major penalty after following due process of law as envisaged under CCS (CCA) Rules and ample opportunities were provided by the Respondent to the Petitioner to appear and the Petitioner did not participate in the Inquiry. The Principles of Natural Justice were duly adhered to throughout the Inquiry proceedings.

16. It is further submitted that use of fake receipts books and collecting subscriptions from the members of the Civilian Karamchari Union, when Petitioner was not the office bearer, shows the conduct of the Petitioner which is unbecoming of a Govt. servant and the proportionate penalty has been imposed upon the Petitioner. This Court, while exercising jurisdiction under Article 226/227 of the Constitution of India, cannot reappreciate evidence or interfere with the conclusion of the Inquiry. Judicial Review is concerned with the decision-making process and not with the correctness of the decision itself.

17. Submissions heard and material placed on record perused.

Analysis

18. At the outset, it would be apposite to mention that the scope of Judicial Review in Disciplinary matters is well settled. Court exercising power of Judicial Review does not sit as an Appellate Authority over the findings of the Disciplinary Authority and ordinarily does not reappreciate evidence. Interference is warranted

where the findings are perverse, based on no evidence, or where the Inquiry is vitiated by violation of Statutory Provisions or Principles of Natural Justice.

19. The decision of the Constitution Bench of the Hon'ble Supreme Court in *B.C. Chaturvedi v. Union of India, (1996) 6 SCC 749*, is a seminal authority delineating the limited scope of Judicial Review in Disciplinary Matters. The relevant extract is reproduced as under: -

> *" 12. **Judicial review is not an appeal from a decision but a review of the manner in which the decision is made.** Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. **Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding.** When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. **The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence.** The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence**. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with***

the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal*. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.*

14. *In Union of India v. S.L. Abbas [(1993) 4 SCC 357 : 1994 SCC (L&S) 230 : (1993) 25 ATC 844]* ***when the order of transfer was interfered with by the Tribunal, this Court held that the Tribunal was not an appellate authority which could substitute its own judgment to that bona fide order of transfer****. The Tribunal could not, in such circumstances, interfere with orders of transfer of a government servant. In Administrator of Dadra & Nagar Haveli v. H.P. Vora [1993 Supp (1) SCC 551 : 1993 SCC (L&S) 281 : (1993) 23 ATC 672] it was held that the Administrative* ***Tribunal was not an appellate authority and it could not substitute the role of authorities to clear the efficiency bar of a public servant****. Recently, in State Bank of India v. Samarendra Kishore Endow [(1994) 2 SCC 537 : 1994 SCC (L&S) 687 : (1994) 27 ATC 149 : JT (1994) 1 SC 217] a Bench of this Court of which two of us (B.P. Jeevan Reddy and B.L. Hansaria, JJ.) were members, considered the order of the Tribunal, which quashed the charges as based on no evidence, went in detail into the question as to whether the Tribunal had power to appreciate the evidence while exercising power of judicial review and held that a tribunal could not appreciate the evidence and substitute its own conclusion to that of the disciplinary authority.* ***It would, therefore, be clear that the Tribunal cannot embark upon appreciation of evidence to substitute its***

own findings of fact to that of a disciplinary/appellate authority.

xxx xxx xxx

17. The next question is whether the Tribunal was justified in interfering with the punishment imposed by the disciplinary authority*. A Constitution Bench of this Court in State of Orissa v. Bidyabhushan Mohapatra [AIR 1963 SC 779 : (1963) 1 LLJ 239] held that having regard to the gravity of the established misconduct, the punishing authority had the power and jurisdiction to impose punishment.* ***The penalty was not open to review by the High Court under Article 226. If the High Court reached a finding that there was some evidence to reach the conclusion, it became unassessable.*** *The order of the Governor who had jurisdiction and unrestricted power to determine the appropriate punishment was final. The High Court had no jurisdiction to direct the Governor to review the penalty. It was further held that if the order was supported on any finding as to substantial misconduct for which punishment "can lawfully be imposed", it was not for the Court to consider whether that ground alone would have weighed with the authority in dismissing the public servant.* ***The Court had no jurisdiction, if the findings prima facie made out a case of misconduct, to direct the Governor to reconsider the order of penalty****. This view was reiterated in Union of India v. Sardar Bahadur [(1972) 4 SCC 618 : (1972) 2 SCR 218] . It is true that in Bhagat Ram v. State of H.P. [(1983) 2 SCC 442 : 1983 SCC (L&S) 342 : AIR 1983 SC 454] a Bench of two Judges of this Court, while holding that the High Court did not function as a court of appeal, concluded that when the finding was utterly perverse, the High Court could always interfere with the same. In that case, the finding was that the appellant was to supervise felling of the trees which were not hammer marked. The Government had recovered from the contractor the loss caused to it by illicit felling of trees. Under those circumstances, this Court held that the finding of guilt was perverse and unsupported by evidence. The ratio, therefore, is not an authority to conclude that in every case the Court/Tribunal is*

empowered to interfere with the punishment imposed by the disciplinary authority. In Rangaswami v. State of T.N. [1989 Supp (1) SCC 686 : 1989 SCC (Cri) 617 : AIR 1989 SC 1137] a Bench of three Judges of this Court, while considering the power to interfere with the order of punishment, held that this Court, while exercising the jurisdiction under Article 136 of the Constitution, is empowered to alter or interfere with the penalty; and the Tribunal had no power to substitute its own discretion for that of the authority. It would be seen that this Court did not appear to have intended to lay down that in no case, the High Court/Tribunal has the power to alter the penalty imposed by the disciplinary or the appellate authority. The controversy was again canvassed in State Bank of India case [(1994) 2 SCC 537 : 1994 SCC (L&S) 687 : (1994) 27 ATC 149 : JT (1994) 1 SC 217] where the Court elaborately reviewed the case law on the scope of judicial review and powers of the Tribunal in disciplinary matters and nature of punishment. On the facts in that case, since the appellate authority had not adverted to the relevant facts, it was remitted to the appellate authority to impose appropriate punishment.

18. ***A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct.*** *The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority* ***shocks the conscience of the High Court/Tribunal****, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."*

(emphasis supplied)

20. Thus, it is no more *res-integra* that judicial review in Disciplinary Proceedings is concerned not with the correctness of the decision, but with the decision-making process, and the imposition of penalty is solely the prerogative of the concerned Disciplinary Authority and interference is only permissible if the punishment imposed is so disproportionate that *shocks the conscience of the court*.

21. In the present case, it stands established that the Petitioner, not being an office bearer of the Union and without any authority, collected subscription amounts from civilian employees of the station in the name of the Union. Further, he is alleged to have forged receipt books by unauthorized use of the Union's registration number. On the basis of documentary evidence, the Petitioner's own partial admission regarding collection of money and the testimonies of as many as 8 witnesses, the charges of *financial irregularity and use of forged receipts* have been found proved. The findings of guilt have been consistently recorded by the Inquiry Authority, the Disciplinary Authority, as well as the Appellate Authority.

22. Notably, before this Court, the Petitioner has confined his submissions primarily to the contention that the allegations contained in the Memorandum of Charges fall outside the ambit of the CCS (Conduct) Rules, 1964, as they pertain to the functioning of a trade union. This contention has already been duly considered and rejected by the Disciplinary Authority, the Appellate Authority, and the learned Tribunal. It is undisputed that the aforesaid Rules apply to all Government servants, including civilian employees. The Rule 3 (1) thereof mandates that every Government servant shall maintain

absolute integrity, devotion to duty and shall refrain from conduct unbecoming of a Government servant. The charges proved against the Petitioner are not confined to mere participation in union activities; rather, they pertain to *unauthorized collection of money and the use of forged documents.* Such conduct, even if ostensibly linked to union affairs, cannot be insulated from scrutiny under the applicable service jurisprudence and squarely constitutes *misconduct*. Acts which impinge upon integrity and probity cannot be excluded from disciplinary oversight merely on the ground that they are associated with union-related activities. Hence, this Court is in agreement with the view adopted by the learned Tribunal that such "*misconduct*" is squarely governed by the CCS (Conduct) Rules, 1964 and the CCS (CCA) Rules, 1965.

23. Insofar as the contention regarding violation of principles of natural justice is concerned, we find that the learned Tribunal has recorded a categorical finding that the inquiry was conducted by adhering to the prescribed procedure and that adequate opportunity was afforded to the Petitioner. The record does not disclose any such procedural infirmity of a nature that would vitiate the entire proceedings. It has been elaborately discussed by the Appellate Authory as well that all relevant documents, evidences, reports and orders were duly furnished to the Petitioner and the Principles of Natural Justice were duly complied with. The Petitioner, having failed to effectively participate in the inquiry, cannot now be permitted to assail the same on vague and unsubstantiated grounds when it has been categorically observed that the notices to appear before the

Inquiry Authority dated 29.06.2016, 05.07.2016, 09.08.2016, 26.08.2016 and 06.09.2016 were sent to the Petitioner through registered posts and were duly acknowledged by the Petitioner.

24. As regards the contention that the Disciplinary Authority was not competent to issue the chargesheet or impose a penalty upon the Petitioner, it has been explained by the Respondents, in their submissions before the learned Tribunal, that aaccording to the CCS (CCA) Rules, the power to impose penalties, in case of a person appointed to a Central Civil Post included in the General Central Service, lies with the authority specified in this behalf by a general or special order of the President or, where no such order has been made, by the *appointing authority* or the authority specified in the Schedule in this behalf. Initially, the Appointing Authority of the Petitioner was Colonel B. R. Bhatia (Indian Army) and the present Disciplinary Authority of the Petitioner, after him being posted in the Indian Air Force, is the Station Commander (Air Force). Since, the Station Commander of Indian Air Force (Group Captain) holds the equivalent rank of a Colonel in the Indian Army, the Station Commander was the Competent Authority to proceed against the Petitioner as well as to impose penalties upon him Petitioner.

25. Be that as it may, the above contention was neither raised during the Disciplinary proceedings nor before the Appellate authority and was not pressed with much seriousness before the learned Tribunal and thus, this Court is not inclined to allow the Petitioner to raise such hyper-technical grounds at such a belated stage.

26. In view of the aforesaid discussions and for the reasons recorded hereinabove, this Court finds no merit in the submissions advanced on behalf of the Petitioner. We also do not find any perversity in the findings recorded by the Inquiry Officer or the conclusions drawn by the Disciplinary Authority. The learned Tribunal has, upon due consideration, declined to interfere with the same. As regards the punishment imposed, once such charges, which strike at the core of integrity, have been partly admitted by the Petitioner and there is evidence supporting the same, the quantum of punishment imposed would lie primarily within the domain of the Competent Authority. Even otherwise, the punishment imposed cannot be said to be shockingly disproportionate in the facts of the case, particularly in view of the nature of the allegations of financial misdemeanour and use of forged receipts.

27. In view of the aforesaid, we are of the considered opinion that the impugned order passed by the learned Tribunal does not suffer from any infirmity warranting interference in exercise of jurisdiction under Article 226.

28. The writ petition is, accordingly, dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

MAY 04, 2026
Jan