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2026:DHC:1123

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

Reserved on: 05th January, 2026.
Pronounced on: 10th February, 2026.
Uploaded on: 10th February, 2026.

\+ **W.P.(C) 13377/2018**

MADANJIT KUMAR .....Petitioner

Through: Mr. Avadh Bihari Kaushik, Mr. Rishabh Kumar, Ms. Saloni Mahajan, Advocates.

versus

CENTRAL ELECTRONICS LIMITED .....Respondent

Through: Mr. Kunal Sharma, Ms. Swati Yadav, Mr. Bhim Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

FACTUAL MATRIX

1. The Petitioner joined the services of the Respondent, Central Electronics Limited (CEL), on 10th December, 1993 as a Senior Technical Assistant. Over the course of service, he moved through various roles and was promoted as Senior Manager (Public Relations) with effect from 1st January, 2011.

2. The record indicates that the Petitioner faced disciplinary proceedings on earlier occasions. In 2012, a suspension, charge-sheet and show cause notice were issued alleging serious misconduct. A departmental enquiry

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followed, however, the charges did not stand proved. In 2016, a show cause notice was issued alleging misuse of leave facility; a penalty of withholding of increment for two years was imposed but was set aside in appeal.

3. On 17th February, 2017, the Respondent issued another charge-sheet alleging, *inter alia*, non-compliance with transfer-related directions and failure to submit periodical reports. Minor penalties were imposed in those proceedings. Those penalties are not the subject matter of the present writ petition.

4. It is also a matter of record that the Comptroller and Auditor General of India[1], in its report for the period 2014–2016, made observations concerning administrative and financial irregularities in the Respondent organisation. The Petitioner asserts that he pursued the said issues with appropriate authorities.

5. On 20th January, 2017, the Petitioner instituted a Public Interest Litigation[2] before this Court, being W.P.(C) No. 658/2017, seeking inquiry into the affairs of the Respondent organisation in the light of the CAG report. Notice was issued in the said proceedings on 25th January, 2017. According to the Petitioner, the said proceedings remained pending during the relevant period.

6. On 12th July, 2017, the Chairman-cum-Managing Director[3] issued a charge-sheet and show cause notice to the Petitioner under the Conduct, Discipline and Appeal Rules, 1976,[4] invoking Rule 5(6), 5(26), 5(28) and 5(30) read with Rules 9, 10(b), 13, 21 and 25.

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[1] "CAG"
[2] "PIL"
[3] "CMD"
[4] "CAD Rules"

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7. Broadly, the allegations in the charge-sheet were that the Petitioner: (i) acted in a manner prejudicial to the interests of the Respondent by tweeting and circulating allegations of corruption, thereby tarnishing the image of the organisation; (ii) attempted to bring outside influence by approaching authorities and the media, directly and through his spouse; and (iii) bypassed prescribed channels in raising grievances and making representations to higher authorities and outside persons. The charge-sheet also alleged that the Petitioner was instrumental in publication of a cover story in the February 2017 edition of *Telecom LIVE* carrying allegations of corruption and financial irregularities in the Respondent organisation, and that he facilitated and endorsed such publication.

8. The Petitioner submitted a reply denying the allegations. A departmental enquiry ensued. The Presenting Officer filed written submissions and the Petitioner submitted a written defence. The Inquiry Officer, by report dated 9th June, 2018, returned findings holding all Articles of Charge to be proved.

9. The inquiry report was furnished to the Petitioner, who submitted his representation dated 25th July, 2018. Thereafter, by order dated 5th October, 2018, the Disciplinary Authority imposed the major penalty of dismissal from service. The disciplinary order proceeded on the findings relating to (i) tarnishing the image of the organisation (Charge 1), (ii) bringing outside influence (Charge 3) and (iii) bypassing official channels (Charge 4). The allegation of being instrumental in the *Telecom LIVE* publication (Charge 2) was not relied upon for the award of penalty.

10. The Petitioner approached this Court in W.P.(C) No. 11230/2018. By order dated 23rd October, 2018, the petition was disposed of without entering

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into merits, with liberty to avail the statutory remedy of appeal and with a direction for expeditious disposal.

11. The Petitioner preferred a statutory appeal under Rule 40. By order dated 28th November, 2018, the Appellate Authority upheld the findings of misconduct but modified the penalty from "dismissal from service" to "removal from service".

12. The present petition challenges the disciplinary order dated 5th October, 2018 and the appellate order dated 28th November, 2018.

CONTENTIONS

13. Mr. Avadh Kaushik, counsel for the Petitioner, makes the following submissions:

13.1. The disciplinary proceedings are vitiated by bias and *malafides* and are in violation of the principles of natural justice, as the entire proceedings were initiated, conducted, and concluded under the authority and influence of the CMD, against whom allegations of corruption had been raised by the Petitioner.

13.2. The charges against the Petitioner essentially arise from tweeting and re-tweeting information that was already in the public domain. Such conduct cannot constitute misconduct, deliberate spreading of false information, or an act prejudicial to the interests or image of the Respondent organisation.

13.3. The Petitioner had merely raised concerns regarding alleged corruption and financial irregularities in the Respondent organisation, which were also reflected in a report of CAG. In the absence of any action by the Respondent or the Central Vigilance Commission, the Petitioner approached this Court by way of a PIL, which was entertained and notices were issued. Such conduct, it is submitted, cannot be treated as misconduct.

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13.4. It is further submitted that immediately upon receiving an objection from the Respondent, the Petitioner deleted the tweets, and therefore no continuing cause of action survived.

13.5. Communications or representations addressed to higher authorities cannot be treated as bringing "outside influence", particularly when the grievances were against departmental authorities themselves. Letters or emails written by the Petitioner's wife, who has an independent legal identity, cannot be attributed to the Petitioner as misconduct.

13.6. Tweeting or re-tweeting matters of public concern falls within the ambit of the fundamental right to freedom of speech and expression and, in the absence of any criminality or moral turpitude, cannot form the basis for disciplinary action.

13.7. Without prejudice to the above submissions, even if the acts attributed to the Petitioner are assumed to constitute misconduct, the imposition of the major penalty of dismissal or removal from service is grossly disproportionate, arbitrary, and shocks the conscience of the Court, as the allegations do not involve corruption, moral turpitude, or any criminal offence.

13.8. To support his contentions, reliance is placed on the judgments in ***The DTC & Ors. v. Jagdish Chander***[5]; ***Girish Bhushan Goyal v. BHEL & Ors.,***[6]; ***Kameshwar Prasad v. State of Bihar***,[7] and ***Gopinath v. State of Kerala***.[8]

14. Mr. Kunal Sharma, counsel for the Respondent, defends the impugned

[5] 2019 SCC OnLine Del 7531.
[6] (2014) 1 SCC 82.
[7] 1960 SCC OnLine SC 30.
[8] 1963 SCC OnLine Ker 53

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disciplinary and appellate orders by advancing the following submissions:

14.1. The scope of judicial review in disciplinary matters is limited. In the absence of any jurisdictional error, perversity, or manifest arbitrariness, this Court ought not to interfere with findings of misconduct or the punishment imposed therefor. The Petitioner was afforded full opportunity to defend himself in the disciplinary proceedings, and no violation of principles of natural justice has been established.

14.2. On merits, it is contended that the Petitioner's conduct amounts to serious and gross misconduct. He has been found guilty of acting in a manner prejudicial to the interests of the Respondent organisation, deliberately spreading false information, attempting to bring outside influence, and making representations bypassing prescribed channels. The findings of guilt returned in the departmental enquiry are supported by material on record.

14.3. Although the Disciplinary Authority initially imposed the penalty of "dismissal from service", the Appellate Authority, while upholding the findings of misconduct, modified the penalty to "removal from service" so as not to permanently bar the Petitioner from future government employment.

14.4. The present writ petition is in the nature of an appeal against the findings and punishment imposed in departmental proceedings, which is impermissible in writ jurisdiction. Reliance is placed on ***Lalit Popli v. Canara Bank***,[9] and ***R.S. Saini v State of Punjab***,[10] to submit that this Court cannot re-appreciate evidence or re-adjudicate the merits of disciplinary

[9] (2003) 3 SCC 583.
[10] (1999) 8 SCC 90.

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action.

14.5. The Petitioner has admitted to having made the tweets and representations that form the basis of the charges. As an employee of the Respondent, the Petitioner was bound by the CAD Rules, and the act of tweeting and re-tweeting defamatory material concerning the Respondent constitutes misconduct under the applicable rules. The Respondent operates in a commercial environment, and public dissemination of such material has a direct and adverse impact on its reputation and business interests.

14.6. The news articles circulated by the Petitioner were found to be *prima facie* defamatory by this Court in civil proceedings initiated by the Respondent, and the Petitioner's public endorsement of such content amounts to deliberate tarnishing of the image of the Respondent organisation.

14.7. To support his contentions, reliance is placed on ***MP Electricity Board vs. Jagdish Chandra Sharma***[11], ***State Bank of Bikaner & Jaipur vs. Nemi Chand Nalwaya***[12], and ***Vikash Kumar vs. NTPC and Others***[13].

ANALYSIS

15. The Court has considered the aforenoted facts and contentions. The petition invites this Court to set aside the disciplinary order dated 5th October, 2018 and the appellate order dated 28th November, 2018, rendered under the CAD Rules.

16. Before turning to the merits, the limits of judicial review require emphasis. A writ court does not sit as a court of appeal over departmental findings. Interference is warranted where the decision-making process is

[11] (2005) 3 SCC 401.
[12] (2011) 4 SCC 584.

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vitiated by breach of natural justice, patent procedural illegality, perversity, or findings that are unsupported by any evidence. Re-appreciation of evidence, reassessment of comparative credibility, or substitution of a preferred factual inference lies outside writ review.[14]

17. With these limits in view, three principal questions arise: (i) whether the proceedings are vitiated by bias or *mala fides*; and (ii) whether the findings on Charges 1, 3 and 4 suffer from procedural impropriety or absence of evidence.

Bias and mala fides

18. The Petitioner contends that the proceedings are retaliatory since the allegations of corruption were directed at the management and, in particular, the CMD, who also acted as the Disciplinary Authority. The law does not countenance a loose or inferential invocation of *mala fides*. A plea of *mala fides* must be founded on clear particulars and supported by cogent material. Courts are slow to draw such conclusions, especially in service disciplinary matters, unless the record demonstrates a real likelihood of bias, rather than a subjective apprehension.

19. Tested against this standard, the plea of bias does not mature into a ground for judicial interference. The charge-sheet dated 12th July, 2017 is framed with reference to specific provisions of the CDA Rules and particular acts attributed to the Petitioner, namely public dissemination through tweets and circulation of allegations of corruption; attempts to bring outside influence by approaching authorities and media, including through his spouse; and bypassing prescribed channels. The disciplinary proceedings

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[13] 2024 SCC OnLine Del 2212.
[14] See:- ***Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava*** (2021) 2 SCC 612.

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thereafter followed the usual procedure: a reply, an enquiry, written submissions, an enquiry report, a representation to the report, and a reasoned disciplinary order.

20. The mere circumstance that the Petitioner had earlier raised complaints, or had instituted a PIL in relation to the organisation, does not, without more, establish that the disciplinary process was colourable. A disciplinary authority does not become *functus officio* or disqualified simply because the delinquent has been critical of management. The relevant question is whether the authority acted as judge in a matter where personal interest demonstrably displaced institutional decision-making. On the material placed, that threshold is not met.

21. It also bears notice that the Appellate Authority independently examined the record, upheld the findings of guilt, and modified the penalty from dismissal to removal. That appellate intervention, on its own terms, operates as a significant institutional check against the suggestion that the matter was foreclosed by a predetermined outcome.

Sustainability of the findings on misconduct

22. The Petitioner's core defence is that the tweets and re-tweets were based on material already in the public domain, were deleted on objection, and represent legitimate whistleblowing and protected speech. These submissions, though framed as a constitutional right, must be examined in the context of service discipline.

23. The Supreme Court has recognised that expression and peaceful articulation can fall within Article 19(1)(a) and (b), but it is also accepted that reasonable restrictions, particularly in services, can regulate the manner of expression. A public sector employee's speech rights are not

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extinguished, but they are mediated through conduct rules that insist on discipline, institutional propriety, and avoidance of conduct prejudicial to the employer's interests.[15]

24. The charges in the present case are not pitched as a prosecution for holding opinions or for approaching constitutional remedies. The gravamen is the method and platform: the public amplification of allegations of corruption against the organisation, coupled with attempts to mobilise external authorities and media pressure, and a deliberate departure from the prescribed internal route for grievance redressal.

25. The record, as summarised in the impugned orders, also reflects a critical factual feature. The Disciplinary Authority expressly did not rely on Charge 2 (relating to the Petitioner's alleged instrumental role in the Telecom LIVE cover story) while awarding penalty, but proceeded on Charges 1, 3 and 4. This segregation indicates that the Disciplinary Authority did not proceed on a sweeping premise that every allegation was proved and punishable. It confined itself to the charges it found dispositive.

26. Once the Petitioner admits the foundational acts, namely the tweets and the communications that form the substratum of the charge-sheet, the enquiry is essentially directed to whether those acts, in their context, attract the prohibitions in Rule 5(6), 5(26), 5(28), 5(30) read with the allied rules invoked. That is a matter for departmental appreciation. In writ review, the question is narrower: whether there was "some evidence" supporting the departmental conclusion, and whether the conclusion is so unreasonable that no rational fact-finder could reach it.

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[15] ***M.H. Devendrappa v. Karnataka State Small Industries Development Corporation*** (1998) 3 SCC 732; ***Kameshwar Prasad & Ors. v. State of Bihar & Anr.*** 1960 SCC OnLine SC 30.

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27. On the material recorded in the enquiry report and accepted by the disciplinary and appellate authorities, the findings cannot be characterised as being based on no evidence, nor can they be held to be perverse merely because the Petitioner asserts a benign on public purpose behind his actions in public. The Petitioner's professed intent does not alter the nature of the act. The conduct rules are concerned with the predictable reputational and institutional harm that may flow from public dissemination of allegations, particularly when undertaken by a senior officer in a public-facing role.

28. The subsequent deletion of the tweets does not efface the act complained of. At the highest, it is a mitigating circumstance to be weighed at the stage of penalty.

29. The Petitioner's reliance on the CAG observations and the pendency of the PIL is also insufficient to render the disciplinary findings erroneous or perverse. A CAG report may provide background to a grievance, but it does not, by itself, authorise an employee to adopt a mode of public communication that the service rules prohibit. Likewise, access to courts, including by way of writ proceedings, is a constitutional entitlement. However, the charge here is directed at bringing pressure through external influence and public dissemination in disregard of the service discipline framework. Whether those elements stand established is a factual assessment that the enquiry has answered against the Petitioner. There is no perversity or patent legality and the writ court cannot re-appreciate the evidence on these issues.

30. The Petitioner's argument that communications by his wife cannot be attributed to him is, again, an invitation to reappreciate how the enquiry evaluated the evidence and circumstances. Where the departmental

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authorities have concluded, on the record, that such communications were part of a pattern attributable to the delinquent employee, this Court does not substitute its own factual conclusions unless the finding is demonstrably irrational or unsupported.

Proportionality of Punishment

31. This, however, does not conclude the matter. Even where findings of misconduct are upheld, the writ court is not divested of jurisdiction to examine proportionality of the penalty. Interference is exceptional and is warranted only where the punishment is so disproportionate to the misconduct proved that it shocks the conscience, in which event the Court may either remit the matter for reconsideration of penalty or, in a rare case, mould relief to shorten litigation. [16]

32. The gravamen of the proved charges is that the Petitioner publicly amplified allegations against the organisation through tweets and re-tweets, pursued representations beyond the internal framework, and was found to have attempted to mobilise external pressure. Such conduct can attract the discipline contemplated by the Conduct, Discipline and Appeal Rules, 1976 and warrants a serious response. The question, however, is whether the ultimate civil consequence of severance from service is shown to be a proportionate and necessary measure on these proved facts.

33. The Supreme Court has recognized that the principle of proportionality requires the authority to demonstrate that the penalty rests on a rational evaluation of relevant considerations and exclusion of irrelevant ones, while also satisfying a requirement of necessity. The measure adopted

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[16] ***Jai Bhagwan v. Commissioner of Police*** (2013) 11 SCC 187; ***Dev Singh v. Punjab Tourism Development Corpn. Ltd.*** (2003) 8 SCC 9.

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must not be excessive to the legitimate objective sought to be achieved; if a lesser penalty would sufficiently serve that objective, imposition of a harsher sanction invites scrutiny on proportionality.[17]

34. Seen in that light, where the extreme penalty of severance is imposed, one would expect the order to reflect some calibration as to why such a measure was considered necessary and why lesser major penalties were regarded as inadequate to maintain institutional discipline.

35. The impugned orders do not reflect such a calibrated exercise in their reasoning on penalty. The orders proceed on a broad characterisation of reputational harm and institutional threat, but do not articulate why penalties short of termination (within the major penalty range) would not sufficiently serve the objectives of discipline and deterrence on the facts found proved.

36. Another relevant consideration is length of service. The Petitioner had rendered long service with the Respondent organisation. That circumstance does not excuse misconduct, but it remains a legitimate factor in deciding where the inexorably warranted the harshest consequence.

37. In these circumstances, this Court is persuaded that the penalty, as it presently stands, reflects a manifest imbalance between the misconduct proved and the consequence imposed. The interference is therefore confined strictly to the quantum of penalty and does not disturb the findings on misconduct.

38. The impugned orders are accordingly set aside to the limited extent they impose the penalty of removal from service. The matter is remitted to the competent authority to reconsider the penalty afresh. Such

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[17] ***Coimbatore District Central Cooperative Bank v. Coimbatore District Central Cooperative Bank Employees Assn. and Another,*** (2007) 4 SCC 669.

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reconsideration shall be completed within six weeks from today in view of the observations of the Court noted above.

39. The writ petition is partly allowed in the above terms.

SANJEEV NARULA, J

FEBRUARY 10, 2026/ab