

(2026) 02 DEL CK 1844

In the Delhi High Court

Case No : Writ Petition (C) No.10453 Of 2025 and Civil Miscellaneous Application
No. 43406 Of 2025

Navlendra Kumar Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 27-02-2026

Acts Referred:

Constitution of India, 1950 — Article 226
Land Acquisition Act, 1894 — Section 4, 4(1), 6, 16

Citation : (2026) 02 DEL CK 1844

Hon'ble Judges : Anil Kshetarpal, J; Amit Mahajan, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Anil Kshetarpal, J

1. Through the present Petition, the Petitioner assails the correctness of the judgment dated 08.07.2021 [hereinafter referred to as 'Impugned Judgment'] passed by the Central Administrative Tribunal [hereinafter referred to as 'CAT'], whereby O.A. No.322/2020 filed by the Petitioner was dismissed, while refusing to interfere with the order passed by the Disciplinary Authority ordering reduction of present time scale of pay to the lower time scale for a period of three years, which was to operate as a bar to his promotion during that period to the post for which he is reduced, with further direction that on the expiry of the said period, the future increments of his pay shall stand postponed and that he shall not regain his original seniority in the higher times scales of post on restoration of his original post, which in Appeal was affirmed by the Appellate Authority.

2. At the outset, it may be noted that the present Petition has been filed after a period of four years from the date of the Impugned Judgment of the CAT. The issue of delay, therefore, arises for consideration apart from the merits of the challenge raised herein.

3. In order to comprehend the issues involved in the present Petition, the relevant facts, in brief, are required to be noticed.

4. The Petitioner is a Selection Grade DANICS Officer. At the relevant time in 2016, the Petitioner was posted as Land Acquisition Collector [hereinafter referred to as 'LAC']. For the acquisition of land for the Slum and JJ Department, a notification under Section 4 of the Land Acquisition Act, 1894 [hereinafter referred to as 'LA Act'] was issued on 15.09.2000, which included land comprised in Khasra Nos. 426, 435, 401, 576, 577, 587 and 589, admeasuring 27 bighas and 16 biswas, in village Bhalaswa, Jahangirpur, belonging to late Shri Khushi Ram.[hereinafter referred to as 'Khushi Ram']. A Writ Petition being W.P.(C) 6461/2000 was filed by Khushi Ram challenging the aforesaid acquisition. During the pendency of the Writ Petition, the LAC passed an award on 12.04.2002 and compensation of Rs.1,19,52,394.75/- was paid to the sons of Khushi Ram in 2002.

5. Khushi Ram had filed application bearing No. CM 2833/2002 in his Writ Petition, W.P.(C) 6461/2000, supported by an Affidavit, seeking permission to withdraw the said Writ Petition. However, his counsel did not bring the fact to the notice of the Court and the said Writ Petition, along with a batch of Writ Petitions pertaining to the land acquisition Notification No. F.11(24)/98/L&B/LA/8895 were clubbed together, and allowed by a common judgment on 12.12.2002, resulting in quashing of the said land acquisition notification.

6. On 04.03.2003, a fresh Notification under Section 4 of the LA Act was issued, which included the land of Khushi Ram. Immediately thereafter, the Slum and JJ Department informed the Competent Authority that compensation to Khushi Ram for acquisition of his land had already been paid in 2002, and he had filed an application for withdrawal of his Writ Petition; hence, fresh Notification for including his land was not required to be issued. On being brought to the notice of the Hon'ble Lieutenant Governor, a note was prepared by the Joint Secretary on 27.08.2003, which resulted in a recommendation to exclude the land of Khushi Ram from acquisition. Consequently, while issuing the declaration under Section 6 of the LA Act, the land of Khushi Ram was not included in the acquisition.

7. Khushi Ram is stated to have died on 18.10.2009. On 24.09.2015, one Sh. Vimal Jain, claiming to have an Agreement to Sell ('ATS'), General Power of Attorney ('GPA'), Will and Receipt dated 10.05.2004, and claiming to be a representative of Khushi Ram filed an application for permission to refund the compensation amount.

8. On the basis of the aforesaid application, the Petitioner initiated the proceedings as LAC, and pursuant thereto, the following order was passed on 24.05.2016:

"Sh. Sandeep Srivastava, Advocate for Shri Vimal Jain in person, Shri R.C.Meena Tehsildar, Shri Umed Singh, Manung & Sh. BM Sharma, JE, (DUSIB). Heard both

the parties. A written submission be submitted on or before the NDOH, i.e. 10.06.2016 at 3 PM. Meanwhile, land status with photographs be called from Halka Patwari."

9. The aforesaid order was signed by the Petitioner and all the parties. However, subsequently, another paragraph was added which bore only the signature of the petitioner, and read as follows:

"At this stage, advocate for the applicant requests for change of date of hearing. Accordingly, the date is changed as 01.06.2016 instead of 10.06.2016. Parties have noted down the change date. Put up on 01.06.2016 at 3 PM."

10. On 01.06.2016, the following Order was passed:

"The Halka Patwari has placed on record 2 No. of status report along with photographs and copy of Jamabandi which is taken on record. Present Shri Sandeep Srivastava advocate along with Sh. Vimal Jain, applicant. None is present on behalf of DUSIB."

11. It is pertinent to note that the Petitioner was transferred vide Order dated 30.05.2016 to another district. As noticed above, the next date of hearing in the matter was advanced from 10.06.2016 to 01.06.2016 and thereafter, the Petitioner proceeded to pass a final order (running into 25 pages) on 03.06.2016, accepting the refund and permitting Sh. Vimal Jain to deposit Rs.3,26,30,694/- with the LAC on the ground that the acquisition of that land has come to an end. The said amount was deposited on 28.06.2016 with his successor in office.

12. The Petitioner was placed under suspension on 23.08.2016 while disciplinary proceedings against him were contemplated. Aggrieved thereby, the Petitioner preferred an OA No.4047/2016 before the CAT to challenge the suspension order, which was allowed on 16.12.2016, setting aside the suspension order and reinstating the Petitioner.

13. Thereafter on 10.03.2017, the Petitioner was issued Articles of Charges , which read as under:

"ARTICLE-I

That Shri Navlendra Kumar Singh, Selection Grade Officer of DANICS, while working as Addl. District Magistrate/Land Acquisition Collector, District North, Govt. of NCT of Delhi during the year 2016, committed gross misconduct in as much as he abused his official position by passing an illegal order dated 3rd June, 2016 on the representation of Shri Vimal Jain, R/o Loni Road, without any lawful authority and jurisdiction, with mala fide intention and ulterior motive to favour a private person, adversely affecting the Government interest in respect of a valuable piece of land.

ARTICLE-II

That Shri Navlendra Kumar Singh, Selection Grade Officer of DANICS, while

functioning in the aforesaid post during the aforesaid period, committed gross misconduct in as much as he abused his official position by conducting the proceedings hastily, without following the due procedure, in deciding the aforesaid case, with malafide intention and ulterior motive to favour a private person, adversely affecting the Government interest in respect of a valuable piece of land.

By the above acts of omission & commission, Shri Navlendra Kumar Singh, Selection Grade Officer of DANICS exhibited lack of absolute integrity and devotion to duty, which is unbecoming of a Govt. servant, thereby violating the provisions of Rule 3 of CCS (Conduct) Rules, 1964."

14. Once again, the Petitioner filed O.A. No.911/2018 before CAT, challenging the Article of Charges which was disposed of while directing the conclusion of disciplinary proceedings within four months.

15. It is also relevant to note that the Delhi Urban Shelter Improvement Board ('DUSIB') had filed an application for the recall of the order of this Court dated 12.12.2002, whereby the land acquisition notification No. F.11(24)/98/L&B/LA/8895 had been quashed. Sh. Vimal Jain filed an independent Writ Petition bearing Case No. WP(C) No.7964/2016. A Division Bench of this Court, vide detailed judgment, held that Khushi Ram, his counsel and Sh. Vimal Jain had practised fraud. Hence, the Review Application was allowed, and the Writ Petition filed by Khushi Ram after restoration, along with the Writ Petition of Sh. Vimal Jain was dismissed by Order dated 26.11.2018.

16. In the statement of imputation, the allegations against the Petitioner were elaborated. The Inquiry Officer was appointed, who reported that Article-I was not proved, whereas the imputation against the Petitioner under Article-II stands proved. Disciplinary Authority, vide Disagreement Note with respect to Article-I dated 28.03.2019, informed the Petitioner, while granting him the opportunity to submit his response-cum-representation, which was filed on 18.04.2019. An advice was received from the UPSC on 13.09.2019 and the Petitioner submitted a representation in a response to the advice of the UPSC. Thereafter, by Order dated 31.12.2019, penalty was imposed on the Petitioner by the Disciplinary Authority. The Appeal filed by the Petitioner against the Order of the Disciplinary Authority imposing penalty was rejected by the Appellate Authority, leading to the filing of the OA No.322/2020 before CAT, which was disposed of while upholding the Disciplinary Inquiry, the order passed by the Disciplinary Authority. However, liberty was granted to the Petitioner to make a representation with regard to reduction of penalty, and the Petitioner pursued the same on 13.08.2021 by submitting his representation to the Ministry of Home Affairs, Government of India. In the meantime, on completion of three years of the period of penalty, the Petitioner was restored to the Selection Grade of DANICS (Pay Level-11) w.e.f. 31.12.2022.

17. In the meantime, on 05.01.2024, another Order (No. 14016/22/2023-

UTS.II) was passed against the Petitioner by the Ministry of Home Affairs [Hereinafter referred to as "MHA"], Government of India. Paragraph No.6 of the Order reads as under:

"6. And now, therefore, in accordance with the advice of the DoPT, the Competent Authority has decided that the date of commencement of approved service of Shri Navlendra Kumar Singh, DANICS, shall be 01.07.2006. However, for the purpose of granting the future promotions, 03 years will be deducted from the length of his approved service, so as to comply with the conditions stipulated in the penalty order dated 31.12.2019 imposed on the officer. The representation dated 19.09.2023 stands disposed of accordingly."

18. Aggrieved thereby, the Petitioner filed OA No. 802/2024 before the CAT to quash and set aside the aforesaid Order dated 05.01.2024 to the extent of deduction of 3 years approved service of the Petitioner for all promotions and to direct the Respondents therein to count the entire approved service of the Petitioner, the said OA of the Petitioner was allowed on 15.07.2024, and the CAT directed the deletion of paragraph no.6 of the aforesaid order dated 05.01.2024.

19. The Petitioner did not challenge the correctness of the order passed by the MHA on 25.07.2024, rejecting the representation of the Petitioner, by filing a fresh Original Application before the CAT, but opted to file the present Writ Petition on 19.07.2025, challenging the order passed by the CAT on 08.07.2021.

20. Heard learned counsel for the parties and, with their able assistance, perused the paperbook along with the documents produced.

21. Learned senior counsel for the Petitioner, while explaining the delay in filing the present Petition, submits that the order passed, while rejecting the Petitioner's representation, resulted in the merger of the Impugned Judgment passed by CAT, thereby giving the Petitioner a fresh cause to file the Petition. Learned senior counsel further submits that the successor in office of the Petitioner, namely Sh. K.C. Surender, who had implemented the order passed by the Petitioner, was granted relief by the CAT on 26.09.2018, resulting in hostile discrimination against the Petitioner.

22. It is submitted by the learned senior counsel that the Petitioner had acted after taking legal opinion and the Petitioner had passed the order dated 03.06.2016 as a quasi-judicial authority, which cannot be the subject matter of disciplinary proceedings.

23. Per contra, learned counsel for the Respondent has supported the Impugned Judgment, while referring to the judgment passed by the Division Bench of this Court on 26.11.2018, while reviewing the order dated 12.12.2002.

24. This Court has considered the submissions advanced by the learned counsel for the parties.

25. The doctrine of merger finds no application in the present case. By the

Impugned Judgment dated 08.07.2021, the CAT declined to interfere with the findings on the Articles of Charge, thereby affirming the conclusions arrived at by the Disciplinary Authority. While the Tribunal observed that the punishment imposed was serious and granted the Petitioner liberty to submit a representation for revisiting the quantum of penalty, such liberty for administrative consideration did not re-open the adjudication of the charges or detract from the finality of the dismissal of the original application. The liberty so granted was confined to reconsideration of the penalty and did not amount to a remand of the matter or revival of the original cause of action.

26. Consequently, the subsequent rejection of the Petitioner's representation does not result in the merger of the Tribunal's adjudicatory order into a later administrative decision, nor does it revive the cause to challenge the Impugned Judgment, so as to overcome the bar of delay and laches. Any contrary view would render the finality of judicial determinations illusory by permitting them to be deferred through the pursuit of collateral administrative remedies. The plea of merger is thus misconceived by the Petitioner and cannot extend the period for assailing the Impugned Judgment.

27. The Petitioner did not challenge the correctness of the Impugned Judgment for nearly four years. No explanation has been furnished for the delay in instituting the present Writ Petition. The Petitioner, being a Selection Grade DANICS Officer discharging quasi-judicial functions, was represented before the Tribunal and was fully aware of the dismissal of his Original Application. Despite this, the Petitioner did not challenge the same. Once the CAT declined to interfere with the order of punishment, it was incumbent upon the Petitioner to assail the same. The present Petition, having been filed in July 2025, is liable to be dismissed on the ground of unexplained delay and laches alone.

28. Even otherwise, examining the present Petition on merits notwithstanding the delay, it is evident that the Petitioner was transferred vide order dated 30.05.2016. The submission of the learned senior counsel that the Petitioner took a decision on the basis of legal opinion does not merit acceptance in the aforesaid factual backdrop. Despite the issuance of the said transfer order, the Petitioner proceeded to advance the date of hearing from 10.06.2016 to 01.06.2016 and thereafter passed the final order on 03.06.2016, before relieving his office.

29. Under the scheme of the Land Acquisition Act, 1894, the acquisition process is initiated by the appropriate Government through a notification under Section 4(1), followed by a declaration under Section 6 that the land is required for a public purpose. Upon passing of the award and taking of possession, Section 16 provides that the land shall vest absolutely in the Government free from all encumbrances. No provision of law has been shown by the Petitioner to this Court which empowers the Land Acquisition Collector to restore land once vested, to determine lapse of acquisition dehors the statutory scheme, to accept refund of compensation for reversal of acquisition, or to entertain and decide

claims contrary to the statutory scheme.

30. Absent any statutory provision countenancing such a course of action, the view taken in the disciplinary proceedings cannot be said to suffer from perversity or legal infirmity.

31. Moreover, the Petitioner cannot claim ignorance of the fact that on 31.03.2003, the Slum and JJ Department had intimated that Khushi Ram had accepted the compensation and filed an application for withdrawal of his Writ Petition, W.P.(C) 6461/2000. The imputations forming the basis of the Articles of charge were duly examined and stood established in the departmental proceedings. In these circumstances, the view taken by the Disciplinary Authority, as affirmed by the CAT, cannot be said to suffer from any patent illegality.

32. The Petitioner also cannot claim that he was unaware of the fact that Khushi Ram had filed application for withdrawal of the Writ Petition, particularly when declaration under Section 6 of the LA Act was issued in the year 2004-05, excluding the land of Khushi Ram on the basis of intimation given by the Slum and JJ Department. The Petitioner, being the statutory authority entrusted with land acquisition proceedings in the district, cannot disassociate himself from official records and governmental decisions forming part of the acquisition file. Constructive knowledge of such material is attributable to him in the discharge of his official duties. The issuance of such declaration necessarily involved consultation with the office of the LAC. In these circumstances, the plea of lack of awareness is unsustainable.

33. The Petitioner has also failed to establish any case of hostile discrimination. Sh. K.C. Surrender merely implemented the order passed by his predecessor and was not similarly situated. A material distinction thus existed between the Petitioner and his successor in office.

34. This Court does not sit in appeal over findings recorded in a duly conducted departmental inquiry. The scope of interference under Article 226 of the Constitution in such matters is confined to examining procedural irregularity, violation of principles of natural justice, or perversity in findings. No such infirmity has been demonstrated in the decision of the Disciplinary Authority.

35. In view of the foregoing discussion, the present Petition is dismissed both on the grounds of unexplained delay and laches and on merits.

36. All pending applications, if any, stand disposed of.