



2026:DHC:6413-DB



\$~38, 42 & 84

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

CNR No. DLHC010346142026

+ W.P.(C) 10759/2026, CM APPLs. 49900/2026 & 49901/2026

UNION OF INDIA AND ORSPetitioner

Through: Mr. Abhishek Seth, SPC, Mr. Achal Gupta, Ms. Wida and Mr. Gaurav Singh, Advs.

versus

RENURespondent

Through: Mr. Sachin Chauhan and Ms. Ridhi Dua, Advs.

CNR No. DLHC010348852026

+ W.P.(C) 10831/2026, CM APPLs. 50253/2026 & 50254/2026

UNION OF INDIA AND ORS.Petitioner

Through: Mr. Abhishek Seth, SPC, Mr. Achal Gupta, Ms. Wida and Mr. Gaurav Singh, Advs.

versus

MANISH KUMAR MAHALAWAT & ANR.Respondent

Through: Mr. Sachin Chauhan and Ms. Ridhi Dua, Advs.

CNR No. DLHC010349822026

+ W.P.(C) 10873/2026, CM APPLs. 50424/2026 & 50425/2026

UNION OF INDIA & ORS.Petitioner

Through: Mr. Abhishek Seth, SPC, Mr. Achal Gupta, Ms. Wida and Mr. Gaurav Singh, Advs.

versus

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SUSHIL KUMAR

.....Respondent

Through: Mr. Sachin Chauhan and Ms.
Ridhi Dua, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **03.08.2026**

C. HARI SHANKAR, J.

1. These writ petitions assail judgment dated 11 March 2026 passed by the Central Administrative Tribunal¹ in OA 3130/2025, OA 3132/2025 and OA 3133/2025.

2. We are constrained to observe that, had the petitioners, instead of preferring these writ petitions, complied with the order of the Tribunal, matters may perhaps have been resolved much more satisfactorily. The impugned order of the Tribunal sets aside the termination of the respondents' appointments with liberty to the petitioners to initiate proceedings against them in accordance with law and take appropriate action. Had the petitioners done so, perhaps this litigation could have been avoided.

3. The issue in controversy is short.

4. The respondents participated in the Combined Higher



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Secondary Level² Examination 2020 for the post of Junior Secretarial Assistant³. The results of the examination were declared on 7 December 2022. The results of the respondents were however placed in abeyance.

5. The candidates whose results were thus kept in abeyance approached the Tribunal. These included the respondents.

6. OA 3726/2023⁴ was taken up as the first case for decision and was disposed of, by the Tribunal, by judgment dated 22 April 2024, paragraphs 9 to 11 of which read thus:

“9. We deem fit and proper to dispose of all the OAs with the directions that provisional offer of appointment is made absolute, however, subject to stipulation that the same shall be subject to the outcome of the enquiry, if any, against any particular individual.

10. We also clarify that any findings qua the applicant(s) herein and the similarly situated where there any adverse finding in enquiry, the same shall always be open to challenge without prejudice to the right and contention of the either parties who may seek appropriate relief(s) by way of appropriate remedy at the appropriate stage.

11. In view of the above, we further direct the respondents to issue a provisional offer of appointment to all the applicants and similarly placed candidates preferably within 30 days from the date of receipt of a certified copy of this order with a rider that the same shall be subject to outcome of enquiry, if any. It is expected that final decision shall be taken by the respondents authorities qua the Enquiry Report within 60 days from today. It is also made clear, in the event the enquiry found in favor of the applicant or similarly situated person(s), the said provisional offer shall culminate into issuance of the final offer of appointment within 45 days from the date of acceptance of enquiry report. Further in the event, the respondents are to take administrative/departmental action based on the enquiry report, needless to say a show cause notice shall be

² “CHSL”, hereinafter

³ “JSA”, hereinafter

⁴ **Vikash Kumar Sain v. SSC**



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given before passing any adverse order of cancellation of provisional offer of appointment qua any candidate. The consequential benefit(s) shall flow on a notional basis at par with the last candidate selected in respective category. The present OA stands disposed of. Associated MA(s) also stands disposed of. No costs.”

7. The respondents in these writ petitions were the applicants before the Tribunal in OA 2224/2023, which was disposed of on 30 August 2024, following the decision in **Vikash Kumar Sain**.

8. We may note that the “inquiry” to which paragraph 9 of the judgment dated 22 April 2024 in **Vikash Kumar Sain** makes reference was conducted by Ernst and Young⁵, as an inquiring authority, as it was suspected that certain candidates might have impersonated themselves in the examination. Following the report of E & Y, which was supposedly adverse to the respondents, show cause notices were issued by the petitioners to the respondents in terms of paragraph 11 of the order dated 22 April 2024 *supra* in OA 3726/2023. The following passages from show cause notice dated 12 June 2025 issued to Renu, the respondent in WP (C) 10759/2026, merit reproduction by way of example:

“The provisional appointment shall be subject to outcome of the OA No. 2224/2023, 3803/2023, 3423/2023, 3719/2023, 3726/2023, 4044/2023, 3625/2023, 3624/2023, 3731/2023, 3724/2023, 37/2024, 4016/2023, 4058/2023, 3829/2023, 535/2024, 482/2024, 3953/2023, 3626/2023 and 4045/2023. Also the appointment shall be subject to any further direction taken by the competent authority regarding offer of appointment qua the applicants, if they are otherwise found eligible depending upon the outcome of the decision taken by the Competent authority. Further, the commission is considering filing of appeal in the instant matter.”

Signature Not Verified⁵ “E & Y” hereinafter

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AND WHEREAS, Ms. Renu joined AFHQ Clerical Service on 30 July 2024 and was placed under probation for a period of two years.

AND WHEREAS, Staff Selection Commission (NR) has informed this office that in compliance of Hon'ble CAT(PB) order dated 22.04.2024 in OA No. 3726/2023 & other connected matters an internal investigation was conducted by SSC and the enquiry has found the candidature of Ms. Renu highly doubtful.

AND WHEREAS, since the candidature of Ms. Renu has been found highly doubtful, SSC has requested Crime Branch, Delhi Police to register an FIR in the matter.

AND NOW WHEREAS, the undersigned in compliance of Hon'ble CAT(PB) order dated 22.04.2024 issues a showcase notice to Ms. Renu with direction to inform this office within 30 days of receipt of this notice why she should not be proceeded against under Rule 5(1)(a) of CCS (Temporary Services) Rules, 1965. Rule 5(1)(a) of CCS (Temporary Services) Rules, 1965 provides that the services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant."

(Emphasis supplied)

9. The respondents showed cause by way of response to the aforesaid notice. By separate orders dated 13 August 2025, the offers of appointment issued to the respondents were all cancelled. A representative order, issued to Renu, may be reproduced as under:

"CANCELLATION OF PROVISIONAL OFFER OF APPOINTMENT AND TERMINATION OF TEMPORARY SERVICE IN R/O MS. RENU

In compliance of directions of the Hon'ble Central Administrative Tribunal (Principal Bench) dated 22.04.2024 in OA No 3726/2023 and connected matters, Ms Renu (hereinafter called candidate) was issued provisional offer of appointment dated 18.07.2024 and provisionally appointed to the post of Junior Secretariat Assistant, Group C', Level 2 in the Pay Matrix. The provisional appointment was subject to outcome of the OA No. 3726/2023 and connected matters.

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Now, the first respondent and recruiting agency SSC has informed this office vide letter dated 30.09.2024 that after conducting investigation in the matter, candidature of 'candidate has been found to be 'highly doubtful and Crime branch, Delhi Police has been requested to register an FIR in the matter. Therefore, a show cause notice dated 12.06.2025 was issued to the 'candidate with direction to submit her version within 30 days of receipt of notice as to why she should not be proceeded under the provision of Rule 5(1)(a) of CCS (Temporary Services) Rules, 1965, failing which it would be presumed that she has nothing to say in the matter and appropriate action will be taken in the matter.

In her reply dated 03.07.2025, the candidate' has mainly summarised the proceedings in the Hon'ble CAT on OA filed. It is pertinent to mention that the proceedings of the OA culminated in Hon'ble CAT order dated 22.04.2024. in compliance of which show cause notice dated 12.06.2025 was issued to the candidate". Reply to show cause notice submitted by the candidate has been examined thoroughly and no grounds found to cease administrative action of the department initiated in compliance of the Hon'ble CAT order dated 22.04.2024.

Therefore, in compliance of the direction of the Hon'ble CAT (PB), provisional offer of appointment (ज्ञापन) and provisional appointment order (अनंतिम नियुक्ति आदेश) issued vide letter No A/51411/CHSLE/2020/Rank-SL/45/CAO/R-III dated 18.07.2024 and सं0/51411/सीएचएसएलई/2020/रैंक-एसएल/45/मुप्रअ/भर्ती-3 dated 14.08.2024 respectively is hereby cancelled and service of Ms Renu is hereby terminated with immediate effect in compliance of Hon'ble CAT (PB) order dated 22.04.2024 and in terms of Central Civil Service (Temporary Service) Rules, 1965.

Sd/-

(Shyamala Parsheera)

Dy Chief Administrative Officer (MPR)"

10. Aggrieved thereby, the respondents approached the Tribunal afresh by way of the OAs in which the presently impugned judgment has come to be rendered.

11. The Tribunal has, in the impugned order, held that, inasmuch as

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the termination of the respondents' provisional appointment was on the ground of alleged impersonation, it could not have been effected without following the principles of natural justice. On that ground, the Tribunal has set aside the decision to terminate the respondents' appointment with consequential directions. The operative paragraph of the impugned judgment of the Tribunal reads thus:

“16. In view of the aforesaid, the present O.As. deserve to be allowed and the same are allowed with the following directions:-

- i. The impugned showcause notice dated 12.06.2025 and impugned order of termination dated 13.08.2025 are set aside.
- ii. The respondents shall reinstate the applicants from the date of their termination
- iii. The applicants shall be entitled to all consequential benefits, i.e., continuity of service, arrears of pay etc.
- iv. The directions ordained above shall be complied with as expeditiously as possible and preferably within four weeks from the date of receipt of a certified copy of this order.
- v. However, the respondents shall be at liberty to initiate proceedings for any misconduct of the applicants, if they so decide, however, in accordance with the relevant rules and instructions on the subject.”

12. Aggrieved by the aforesaid decision, the Union of India is before us by means of the present writ petitions.

13. We have heard Mr. Achal Gupta, learned Counsel for the petitioners.

14. Mr. Gupta submits that the Tribunal was in error in requiring



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implicit compliance with the principles of nature justice in these cases, as the earlier order passed by the Tribunal on 22 April 2024 in **Vikash Kumar Sain** specifically made all appointments provisional, subject to the outcome of the inquiry which was being conducted. The outcome of the inquiry having been adverse to the respondents, all that the petitioners were required to undertake, in terms of the said order, was to issue a show cause notice to the respondents. That show cause notice was issued and, after considering the reply submitted by the respondents, their appointments were cancelled.

15. Mr. Gupta submits that, while rendering the impugned judgment, the Tribunal has failed to notice the fact that the offers of appointment to the respondents were themselves provisional and subject to the outcome of the inquiry and that, therefore, once the outcome of the inquiry was adverse to the respondents and the petitioners had complied with the directions issued by the Tribunal in that regard, no cause for interference remained.

16. We have also heard Mr. Sachin Chauhan, learned Counsel for the respondents.

17. Having heard learned Counsel for the parties, we are not inclined to interfere with the final direction issued by the Tribunal, albeit for reasons of our own.

18. The fact of the matter is that, even till the passing of the order of cancellation against the respondents, *there was no positive finding that the respondents had impersonated themselves or that they have*

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not actually undertaken the examination in question. The report of the Ernst and Young merely stated that their candidature was “highly doubtful”. Even in the final order of cancellation which came to be passed against the respondents, the position is no different.

19. No doubt, paragraph 9 of the order dated 22 April 2024 in **Vikash Kumar Sain**, which was also followed in the decisions rendered in the OAs filed by the respondents, impugned herein, rendered their appointment provisional and subject to the outcome of the inquiry held against them. That would, however, mean that *if there was a positive finding against the respondents regarding impersonation or that they were not the candidates, who had undertaken the examination*, their appointments would be liable to be cancelled subject to prior issuance of a show cause notice.

20. That finding is, however, lacking.

21. The default in the present cases is not granting the respondents an opportunity of personal hearing. The default is in not arriving at any positive finding that the respondents were not actually the candidates who had undertaken the examination. In other words, the “doubt” which was expressed in the inquiry report of E & Y and put to the respondents in the show cause notice dated 12 June 2025 remained a doubt, and nothing more than that, even at the stage of cancellation.

22. It goes without saying that the candidature of the respondents could have not been cancelled on a mere doubt. The doubt had to metamorphose into a positive finding, one way or the other, before it



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could have been acted upon.

23. For that reason, we are not inclined to interfere with the impugned judgment of the Tribunal, in so far as it sets aside the cancellation of the respondents' candidature.

24. Mr. Sachin Chauhan has, at this juncture, placed reliance on paragraph 15 of the impugned judgment of the Tribunal which reads thus:

“15. We may further record that admittedly, the impugned notice and the orders of termination have been passed by invoking the provisions of Rule 5(1) of the Rules and in this background, the argument on behalf of the respondents that the same has been issued in view of the liberty accorded to them by this Tribunal in the case of **Vikash Kumar Sain (supra)** and other identical cases is not tenable. Moreover, even if the liberty was granted in the said case of **Vikash Kumar Sain (Supra)** etc., such inquiry doesn't mean an internal inquiry where the affected party has not been given any opportunity to defend/participate in such inquiry.”

25. Mr. Sachin Chauhan's contention is that, even if the petitioners were to conduct a fresh inquiry, it should be a full-fledged inquiry in view of the finding of the Tribunal in paragraph 15 of its judgment reproduced *supra*.

26. With deep respect to the Tribunal, we are not in a position to agree with the finding recorded in paragraph 15. As Mr. Gupta correctly points out at the outset of his submissions, this is not the first round of litigation in the present cases. The entitlement of the respondents to any inquiry or principles of nature justice has, therefore, to abide by the order dated 22 April 2024 passed by the



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Tribunal in OA 3726/2023, which was followed in the OAs filed by the respondents. In those OAs, the Tribunal was, at the time of passing the judgment in the said OAs, aware of the fact that an inquiry was being conducted against the respondents and that the respondents were not participants therein. Despite this, the Tribunal did not direct that the respondents be permitted to participate in the inquiry. Even apropos the compliance with the principles of natural justice, the Tribunal merely held that, if the outcome of the inquiry was adverse to the respondents, a show cause notice was required to be issued before a decision was taken.

27. That order of the Tribunal was never challenged by the respondents at any point of time. They are, therefore, bound by the said decision and they cannot seek, in this second round of litigation, to anything more than was granted by the Tribunal in the earlier round. We, therefore, are not agreeable to Mr. Sachin Chauhan's submission that a full-fledged inquiry must precede any decision adverse to the respondents in the present cases.

28. We, therefore, reiterate the final liberty granted by the Tribunal to the petitioners to proceed in terms of the order dated 22 April 2024 against the respondents afresh. Though the order dated 22 April 2024 does not specifically direct the respondents to be granted a hearing, in order to ensure that present exercise is not repeated, we direct that, in case, the petitioners decide to proceed afresh against the respondents, before arriving at any adverse conclusion, the respondents would also be extended an opportunity of personal hearing on a date and time to be fixed by the petitioners.



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29. We make it clear that we have not expressed any final opinion on the allegation that the respondents were not the candidates who had undertaken the examination or on the correctness of the report of the E & Y. It would be open to the petitioners to take a view in that regard in compliance with the directions issued by us today.

30. We also clarify that in case the petitioners are intending to proceed against the respondents in the *de novo* proceedings, the material which may be against the respondents should be disclosed to them.

31. Subject to the aforesaid, we are not inclined to interfere in these writ petitions which are accordingly disposed of.

32. Needless to say, should the respondents continue to be aggrieved by any order which may be passed, their rights in law would remain reserved.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 3, 2026/aky