



2026:DHC:1491-DB



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

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*Judgment reserved on: 12.02.2026*

*Judgment pronounced on: 20.02.2026*

*Judgment uploaded on: 20.02.2026*

+ W.P.(C) 8707/2009

RAJNI

...Petitioner

Through: Mr. Sachin Chauhan, Adv.

versus

GOVT. OF NCT & ORS.

...Respondents

Through: Mr. Vikrant Nilesh Goyal,  
Mr. Yash Basoya, Mr. Rakshit  
Tyagi and Mr. Kunal Dixit,  
Adv.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

## **J U D G M E N T**

### **ANIL KSHETARPAL, J.**

1. By way of the present petition filed under Article 226/227 of the Constitution of India, 1950 [hereinafter referred to as 'the Constitution'] the Petitioner assails the correctness of order dated 29.01.2009 [hereinafter referred to as 'IO-1'] passed by the Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as the 'Tribunal'], whereby the Original Application (OA) filed by the Petitioner came to be dismissed.

2. Along with assailing the order passed by the Tribunal, the Petitioner also seeks to challenge the findings of the Enquiry Officer



[hereinafter referred to as 'Impugned Findings/IF'], the Order dated 08.12.2006 passed by the Disciplinary Authority [hereinafter referred to as 'IO-2'] and the Order dated 01.05.2007 passed by the Appellate Authority [hereinafter referred to as 'IO-3'], all of which found the Petitioner to be guilty of corruption.

3. In order to comprehend the issue arising for the adjudication of this Court, the relevant facts are required to be noticed.

### **BRIEF BACKGROUND OF THE CASE:**

4. On 11.09.2002, the Petitioner was appointed as a Woman Constable in Delhi Police on compassionate grounds. While she was posted as a Daily Diary (DD) Writer at Police Station, New Ashok Nagar, Delhi, on 06.09.2005, a departmental case arose against her out of an allegation that, during a sting operation conducted by the Sansani programme of Star News Channel, one Mr. Neeraj Kumar, acting as a decoy, came to the reporting room to lodge a Non-Cognizable Report (NCR) regarding loss of his mobile phone. The Petitioner allegedly demanded Rs. 200/- and accepted Rs. 150 for lodging the said NCR; such transaction was stated to have taken place in the presence of HC Hari Kishan, who was the Duty Officer at the relevant time and was supposed to sign the said NCR.

5. The aforesaid incident was video graphed with a concealed camera and, subsequently, was telecasted on 14.09.2005 in the Sansani programme, a video-CD of this telecast later formed the central piece of evident in the departmental proceedings.



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6. Consequently, on 10.01.2006 a join departmental inquiry was ordered against the Petitioner and Head Constable (HC) Hari Kishan under the Delhi Police (Punishment and Appeal) Rules, 1980 [hereinafter referred to as 'Rules of 1980']. Following which the Enquiry Officer (EO) appointed thereby, served upon the Petitioner a summary of allegations and thereafter framed a specific charge against the Petitioner for having demanded Rs. 200/- and accepted the illegal gratification of Rs. 150 from Mr. Neeraj Kumar, for writing and registering the NCR relating to the missing mobile phone.

7. During the course of the aforesaid enquiry, the EO examined two prosecution witnesses in order to prove the duty roster, DD entries and the NCR, depicting that the Petitioner was on duty as DD writer on 06.09.2005 and the NCR with respect to the missing phone was in fact lodged. On the other hand, the Petitioner examined one defence witness. Notably, during this enquiry, despite efforts being made by the EO, neither Mr. Neeraj Kumar nor any representative of the Star News Channel appeared to give evidence.

8. Resultantly, the EO by way of the IF, found that although there was no direct oral evidence from the decoy or media personnel yet the video-CD of the telecast clearly depicted the Petitioner demanding and accepting money from a person for registration of the missing-mobile NCR. Placing a principal reliance on the said CD, the EO concluded that the charge against the Petitioner stood proved.

9. The aforesaid findings of the EO were duly served upon the Petitioner, whereafter she submitted her written representation before



the Disciplinary Authority (DA). However, after considering the record, *inter alia* the presentation made by the Petitioner, the DA by way of IO-2, imposed the penalty of dismissal from service upon the Petitioner for proven misconduct of demanding and accepting the illegal gratification during the course of her official duty as a DD writer.

10. Whereafter, the Petitioner preferred a statutory appeal, challenging the IO-2, however, the said appeal also came to be dismissed by way of IO-3, affirming the punishment of dismissal and affirming that the CD clearly showed the Petitioner demanding and accepting money for lodging the NCR.

11. Aggrieved thereby, the Petitioner approached the Tribunal, challenging the very initiation of the departmental enquiry, the IF, IO-2 and IO-3, thereby seeking reinstatement with consequential benefits. However, the Tribunal, by way of IO-1, dismissed the OA filed by the Petitioner, upholding the enquiry and the punishment imposed. It is in these circumstances that the Petitioner has invoked the writ jurisdiction of this Court.

### **CONTENTIONS OF THE PARTIES**

12. This Court has heard learned counsel appearing for the parties and with their able assistance has perused the paper book.

13. Learned counsel for the Petitioner, assailing the IF, IO-1, IO-2, and IO-3, has made the following submissions-

13.1 It has been argued that the entire disciplinary actions



exclusively rest upon an edited video-CD allegedly telecasted on 14.09.2005 by a private television channel. In this regard, it has been submitted that no independent complaint was ever lodged, no recovery of alleged illegal gratification was effected, no independent witness supported the allegations, and no contemporaneous material was collected by the department. The sole basis of the charge and consequent finding of guilt was the edited electronic recording supplied by the channel, without any independent verification of its authenticity or integrity.

13.2 It has been argued that once the authenticity of the video-CD was specifically disputed by the Petitioner at the very inception of inquiry, it was incumbent upon the department to prove the said electronic record in accordance with law. However, in the present case, the maker of the document, namely Mr. Neeraj Kumar, was neither examined nor made available for cross examination. Reliance in this regard has been placed upon *Roop Singh v Punjab National Bank*<sup>1</sup>, wherein it was held that the findings based on unproved documents are perverse and suspicion cannot take the place of proof.

13.3 It is also the Petitioner's case that, reliance upon an edited broadcast clip, without production of the original and unedited footage, vitiates the proceedings. Relying on *Raja Ram Pal v. Speaker, Lok Sabha & Ors.*<sup>2</sup>, it is argued that the Supreme Court recognized evidentiary value only in original and unedited footage. Hence, an edited telecast meant for public broadcast cannot constitute

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<sup>1</sup> (2009) 2 SCC 570

<sup>2</sup> (2007) 3 SCC 184



conclusive proof of misconduct in disciplinary proceedings.

13.4 During the course of the arguments, a query was posed by this Court, as to whether strict rules of evidence apply to departmental enquiries. In response to which, learned counsel fairly submitted that the provision of Indian Evidence Act, 1872 [hereinafter referred to as 'Act of 1872'], are not strictly applicable. However, it was argued that the principle of natural justice must be complied with. In addition, it was submitted that where a particular document forms the sole foundation of the finding of guilt, the department is under an obligation to examine its maker so as to afford the delinquent officer an effective opportunity of cross-examination.

13.5 Lastly, it has been further argued that, in disciplinary proceedings, documents are ordinarily proved through departmental witnesses whose names are furnished in advance, thereby enabling the delinquent officer to exercise the valuable right of cross-examination. The right of cross-examination, it is submitted, is an integral facet of natural justice. In the absence of examination of the author or custodian of the electronic record, the Petitioner was deprived of any meaningful opportunity to challenge its authenticity, contents or source.

14. *Per contra*, learned counsel for the Respondent has made the following submissions-

14.1 It has been contended that the video-CD in question does not merely contain an edited narration but clearly depicts the Petitioner accepting money while discharging official duties. It is contended that



there is no dispute raised by the Petitioner regarding the act of acceptance of money as captured in the video recording. In such circumstances, the visual evidence of receipt of money by a police official, while on duty, by itself constitutes substantive and compelling material indicative of corrupt conduct.

14.2 It is further argued that once the act of acceptance is visibly recorded and forms part of the material on record, the defence sought to be raised by the Petitioner, namely, that there was no proof of demand or that her voice was not subjected to forensic examination, does not dilute the evidentiary value of the recording.

14.3 According to the Respondents, the gravamen of the misconduct lies in the receipt of illegal gratification, and the video footage unequivocally establishes such receipt. It is contended that the absence of a voice test or proof of demand, would not cast any reasonable doubt on the authenticity or probative value of the video-CD, particularly in the context of departmental proceedings where strict rules of evidence are not applicable.

### **ANALYSIS:**

15. This Court has considered the submissions made by the parties, however, before advertng to the rival submissions, it is pertinent to highlight the well-settled scope of interference by this Court in exercise of its writ jurisdiction in matters arising out of departmental proceedings.

16. The Supreme Court in *State of Rajasthan & Ors. v Bhupendra*



*Singh*<sup>3</sup>, relying upon *State of Andhra Pradesh v S Sree Rama Rao*<sup>4</sup>, highlighted the restrictive scope of writ jurisdiction. It was held that the High Court in exercise of its writ jurisdiction, does not act as a court of appeal over departmental enquiries, and its intervention is only confined to four specific cases; *firstly*, if there is a lack of jurisdiction or procedural illegality, *secondly*, if there is a violation of natural justice or statutory rules, *thirdly*, if the conclusions reached upon is based on ‘no evidence’ or material wholly extraneous to the record and *fourthly*, if the findings are so perverse that no reasonable person could have reached them.

17. It is equally important to highlight that it is trite law that a departmental or domestic enquiry is neither a criminal trial nor a proceeding before a court of law, rather it is merely a fact-finding exercise undertaken by a respective department in a quasi-judicial capacity to determine the misconduct and maintain discipline in the service. The Supreme Court in *State of Haryana v Rattan Singh*<sup>5</sup>, had set out the principle governing the disciplinary proceedings, which is as follows:

*“4. It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and Administrative Tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act. For this proposition it is not necessary to cite decisions nor text books, although we have been taken through case-law and other authorities by counsel on both sides. The essence of a judicial approach is objectivity, exclusion of*

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<sup>3</sup> 2024 INSC 592

<sup>4</sup> AIR 1963 SC 1723

<sup>5</sup> (1997) 2 SCC 491



*extraneous materials or considerations and observance of rules of natural justice. Of course, fair play is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal, cannot be held good. However, the courts below misdirected themselves, perhaps, in insisting that passengers who had come in and gone out should be chased and brought before the tribunal before a valid finding could be recorded. The 'residuum' rule to which counsel for the respondent referred, based upon certain passages from American Jurisprudence does not go to that extent nor does the passage from Halsbury insist on such rigid requirement. The simple point is, was there some evidence or was there no evidence — not in the sense of the technical rules governing regular court proceedings but in a fair commonsense way as men of understanding and worldly wisdom will accept. Viewed in this way, sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record. We find, in this case, that the evidence of Chamanlal, Inspector of the Flying Squad, is some evidence which has relevance to the charge levelled against the respondent. Therefore, we are unable to hold that the order is invalid on that ground.*

**(Emphasis Supplied)**

In substance, it was held that the domestic tribunals are not bound by technical rules of evidence. The parameter to test the findings is whether there is some evidence which a reasonable person would accept, and not whether the Act of 1872 has been meticulously followed. At this stage, it also becomes pertinent to state that, in a departmental proceeding, the standard of proof is not that the misconduct must be proved beyond all reasonable doubt, but the standard of proof is as to whether the test of preponderance of probability has been met.

18. Applying the aforesaid principles to the present case, it may be noted that the Petitioner's arguments pertaining to the findings arrived at essentially invites this Court to reassess the evidentiary value of the video-CD and the departmental witnesses. However, we are afraid that



this Court lacks the power to do so or substitute its own conclusions on credibility or apply criminal trial standards of proof.

19. This Court is of the view that in the present case, the EO by way of the IF, recorded a reasoned finding, whereas the DA and Appellate Authority independently reviewed the material and the video-CD in order to uphold the dismissal, whereafter the Tribunal also affirmed the enquiry and punishment. This chain of concurrent factual determinations, based on oral, documentary and electronic material disclosed to the Petitioner, does not convince this Court that it is a case of no evidence or there has been a violation of natural justice. As far as the grievance that the CD is edited or that the decoy and TV personnel were not produced is, concerned, we are of the view that, such argument at best, is about sufficiency and appreciation of evidence, which lies beyond the narrow compass of writ jurisdiction.

20. Additionally, the enquiry against the Petitioner was held under the Rules of 1980, wherein two prosecution witnesses were examined to prove the duty roster of the Petitioner, DD entries and the NCR, whereas one witness was examined on behalf of the Petitioner. Moreover, the Petitioner was supplied with the video-CD, allowed to cross-examine and to lead defence evidence, and to make a representation against the findings. Thus, the enquiry was conducted as a domestic, fact-finding process where the Act of 1872 does not strictly govern admissibility.

21. It has been argued by the Petitioner that, since the decoy and TV channel personnel were not examined the video-CD is unproved



and the case is governed by **Roop Singh** (*Supra*). However, in **Roop Singh** (*Supra*), no witness was examined to prove the documents or alleged confession, the management witnesses merely tendered documents and the report was based on no evidence at all. The ratio in the aforesaid judgment is directed against the enquiries conducted entirely on unproved papers without any oral evidence.

22. On the contrary, in the present case, two departmental witnesses were examined. PW-1 proved the roster and NCR linking the incident to the Petitioner, while PW-2, having seen the telecast made a contemporaneous report and deposed about the demand and acceptance of money. Moreover, her defence witness only stated that he personally did not see or hear any money being taken. In this regard reference may be made to the judgment of Supreme Court in **Airports Authority of India v Pradip Kumar Banerjee, 2025 INSC 149**, wherein it was observed that non-examination of complainant was not per se fatal as long as some reliable material on record exists. The relevant paragraphs are as follows:

*“28. Further, we are unable to sustain the finding of the Division Bench that the non-examination of the complainant is fatal to the case of the appellant-Authority. It is well settled principle of law that even in a criminal case pertaining to demand and acceptance of illegal gratification, the courts are empowered to record conviction, where the decoy turns hostile, and the prosecution case is based purely on the evidence of the Trap Laying Officer and the trap witnesses. In this regard, we are benefited by the judgment of this Court in Bhanuprasad Hariprasad Dave v. State of Gujarat, 26 wherein it was held thus:*

*“7. . . . It is now well settled by a series of decisions of this Court that while in the case of evidence of an accomplice, no conviction can be based on his evidence unless it is corroborated in material particulars but as regards the evidence of a partisan witness it is open to a court to*



*convict an accused person solely on the basis of that evidence, if it is satisfied that that evidence is reliable. . .*

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*29. In the case at hand, the subject matter concerns a domestic enquiry, where the strict rules of evidence prohibiting admissibility of confessional statements recorded by the police officials do not apply. Likewise, non-examination of the decoy cannot be treated to be fatal in the domestic enquiry where other evidence indicts the delinquent officer. As has been held by this Court in the case of Narender Singh(supra), even a confession of the delinquent employee recorded by the Trap Laying Officer during the criminal investigation can be relied upon by the Disciplinary Authority.*”

23. Reference, at this stage, may also be made to **Rattan Singh** (*Supra*), wherein it was observed that the disciplinary forums evidence is not confined to evidence admissible under the Act of 1872, and even hearsay evidence can be considered, if it has reasonable nexus and credibility, subject always to the test of some probative value and fairness. The emphasis is on whether the disciplinary authority’s conclusions are based on some material which a reasonable person would accept, not on strict compliance with technical evidentiary rules.

24. In the present case, the non-examination of the decoy and the channel staff must be tested against two head: (i) the availability of the other evidence, in particular, the official records, statements of PW-1 and PW-2 and the video-CD; and (ii) the conduct of the Petitioner.

25. The Petitioner undisputedly, failed to initiate any civil or criminal action alleging defamation, fabrication, or manipulation of the telecast despite its broadcast to the public at large on 14.09.2005 and its use in the disciplinary proceedings. Her challenge in the enquiry remained at the level of asserting that the video-CD was



unclear, prone to camera tricks, and her voice was not subjected to forensic testing. However, she did not adduce any technical expert, nor any contemporaneous complaint suggesting that the telecast was fabricated. This omission, while not shifting the burden of proof, is a relevant circumstance when assessing the plausibility of her denial under the preponderance of probabilities standard, particularly in light of concurrent findings of fact by the EO, DA, Appellate Authority and the Tribunal that the video-CD is genuine and clearly depicts her accepting money while on duty.

26. The defence witness, a public person, stated that he neither heard nor saw the Petitioner taking money; he did not contradict that such a telecast had occurred or that the NCR and duty entries were in the Petitioner's handwriting. On this material, the insistence that the decoy and channel staff must necessarily be examined, failing which the enquiry fails, goes beyond the settled disciplinary jurisprudence.

27. As far as reliance placed by the learned counsel for the Petitioner on *Raja Ram Pal (Supra)* is concerned, the same is distinguishable, to the extent that the said judgment falls in context of parliamentary proceedings and constitutional review concerned in the case.

28. Significantly, the Petitioner has not denied that she is the person appearing in the video nor has she disputed the act of acceptance of money as depicted therein. Her defence is primarily that there was no demand or that her voice was not forensically examined. In a disciplinary context, where a police official is visually recorded



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accepting money in the course of official duty, such material constitutes relevant and cogent evidence from which an inference of misconduct can reasonably be drawn on a preponderance of probabilities. The absence of a voice test or independent recovery does not obliterate the evidentiary value of the visual recording.

**CONCLUSION:**

29. In view of the foregoing discussions, the concurrent findings recorded by the Enquiry Officer, affirmed by the Disciplinary Authority, the Appellate Authority and the Tribunal, cannot be said to be perverse or arbitrary.

30. This Court does not find any jurisdictional error, manifest illegality, or patent infirmity in the impugned orders/findings.

31. Accordingly, having found no merit, the present petition is dismissed.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**FEBRUARY 20, 2026**

*s.godara/hr*