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

Reserved on: 7th April, 2026
Date of Decision: 06th July, 2026
Uploaded on: 06thJuly, 2026

\+ W.P.(C) 3269/2007

UDAY NARAYAN SHUKLA .....Petitioner

Through: Mr. R.K. Saini, Adv.

versus

GOVT. OF NCT OF DELHI & ORS. .....Respondents

Through: None.

CORAM:
HON'BLE MS. JUSTICE SHAIL JAIN

JUDGMENT

SHAIL JAIN, J.

1. The present writ petition has been filed under Article 226 of the Constitution of India assailing the Award dated 11.09.2006 and the order dated 02.09.2006 passed by the learned Presiding Officer, Labour Court-V, Karkardooma Courts, Delhi in I.D. No. 860/98, whereby the learned Labour Court upheld the domestic enquiry conducted against the Petitioner/Workman and further held that the termination of the services of the Petitioner by the Respondent/Management was legal and justified.

FACTUAL BACKGROUND

2. Brief facts necessary for adjudication of the present petition are that the Petitioner/Workman was employed with the Respondent/Management,

namely M/s Tin Box Co., as a Chowkidar/Security Guard since the year 1988 and was drawing last wages of Rs.1880/- per month.

3. It is the case of the Petitioner that on 20.05.1997, he proceeded on leave after allegedly obtaining prior sanction from the Management through a leave application submitted by him on 11.05.1997 for attending a marriage ceremony in his native place.

4. According to the Petitioner, during the course of his stay at his native place, he fell ill and was admitted in Government Hospital, Chilbila, Nahwai, Allahabad on 02.06.1997. It is further stated that he was discharged from the said hospital on 10.06.1997 and thereafter returned to Delhi and reported for duty on 11.06.1997.

5. The record further reveals that during the aforesaid period, the Respondent/Management issued a charge-sheet dated 03.06.1997 alleging unauthorized absence against the Petitioner for the period commencing from 21.05.1997. The Petitioner submitted a reply dated 11.06.1997 to the said charge-sheet, asserting that his leave had been duly sanctioned and further enclosing medical documents in support of his illness.

6. Subsequently, another charge-sheet dated 25.06.1997 came to be issued by the Respondent/Management against the Petitioner. The allegations levelled against the Petitioner were that he had deliberately and unauthorizedly absented himself from duty, had submitted false medical certificates and had indulged in acts amounting to indiscipline.

7. Pursuant thereto, the Respondent/Management initiated domestic enquiry proceedings against the Petitioner. An Enquiry Officer was appointed and enquiry proceedings were conducted wherein both parties participated.

8. Upon conclusion of the enquiry proceedings, the Enquiry Officer

submitted his report holding the charges against the Petitioner to be proved. Thereafter, after considering the reply submitted by the Petitioner to the enquiry report and show cause notice, the Respondent/Management passed an order dated 15.05.1998 dismissing the Petitioner from service.

9. Aggrieved thereby, the Petitioner raised an industrial dispute challenging the legality and justification of his dismissal from service. Consequently, the appropriate Government referred the dispute for adjudication to the learned Labour Court *vide* Reference Order dated 07.12.1998 in the following terms:

> *"Whether the services of Sh. Uday Narayan Shukla have been terminated by the management illegally and/or unjustifiably and if so, to what relief is he entitled and what directions are necessary in this respect?"*

10. Before the learned Labour Court, the Petitioner filed his statement of claim challenging the legality of the domestic enquiry as well as the order of dismissal. The Petitioner alleged that the enquiry proceedings were conducted in violation of the principles of natural justice and that the enquiry officer as well as the disciplinary proceedings suffered from bias. It was further alleged that one of the partners of the Management had acted in multiple capacities during the disciplinary proceedings, including that of complainant, presenting officer, witness and disciplinary authority.

11. The Respondent/Management filed its written statement opposing the claim and asserting that the dismissal order had been passed only after conducting a fair and proper enquiry in accordance with law and adequate opportunity had been afforded to the Petitioner to participate in the proceedings and defend himself.

12. *Vide* order dated 09.02.2001, the learned Labour Court framed, *inter alia*, a preliminary issue with regard to the fairness and validity of the domestic enquiry. Thereafter, evidence was led by both parties on the said issue. The Petitioner examined himself as WW-1 and relied upon various documents, whereas the Respondent/Management examined the Enquiry Officer as MW-1 and one of its partners as MW-2.

13. Upon consideration of the material available on record, the learned Labour Court *vide* order dated 02.09.2006 held that the Petitioner had failed to establish that the domestic enquiry conducted against him was unfair, improper or violative of the principles of natural justice.

14. Thereafter, by Award dated 11.09.2006, the learned Labour Court answered the reference against the Petitioner and held that the punishment imposed by the Respondent/Management was not disproportionate to the misconduct proved against him. Consequently, the claim of the Petitioner was dismissed and no relief was granted in his favour.

15. Aggrieved by the aforesaid order dated 02.09.2006 and Award dated 11.09.2006 passed by the learned Labour Court, the Petitioner has preferred the present writ petition before this Court.

SUBMISSIONS OF THE PARTIES:

16. At this stage, it is pertinent to note that the Respondent No. 2/Management was proceeded *ex parte* during the course of the present proceedings. The matter was, therefore, heard only on behalf of the Petitioner. No written submissions were filed by either party. Nevertheless, while adjudicating the present petition, this Court has considered the stand of the Respondent as borne out from the pleadings, evidence and material forming

part of the Labour Court Record.

17. Learned counsel appearing on behalf of the Petitioner/Workman assailed the impugned order dated 02.09.2006 and Award dated 11.09.2006 passed by the learned Labour Court on the ground that the same are illegal, arbitrary, perverse and contrary to the principles of natural justice and fair play. It was submitted that the learned Labour Court failed to appreciate the material facts and evidence available on record in their proper perspective.

18. Learned counsel for the Petitioner submitted that the domestic enquiry conducted against the Petitioner stood vitiated on account of procedural irregularities and institutional bias. It was contended that one of the partners of the Respondent/Management, Sh. Vikram Mehra, had simultaneously acted in multiple capacities, namely, as the person issuing the charge-sheet, appointing the enquiry officer, presenting the case on behalf of the management during enquiry proceedings, appearing as a management witness and ultimately acting as the disciplinary authority while imposing punishment upon the Petitioner. It was urged that such conduct was in clear violation of the settled principle of "*nemo judex in causa sua*" and the learned Labour Court failed to appreciate the said aspect in its correct legal perspective.

19. It was additionally submitted that the learned Labour Court failed to appreciate that the Petitioner had proceeded on leave only after obtaining sanction from the Management and had subsequently submitted medical documents explaining his absence on account of illness. Learned counsel submitted that the finding returned by the enquiry officer holding the medical certificates to be false was unsupported by any cogent evidence on record.

20. Learned counsel appearing for the Petitioner further submitted that the learned Labour Court committed grave illegality in holding that the enquiry

proceedings were fair and proper despite the admitted fact that the disciplinary authority had performed multiple and conflicting roles during the disciplinary proceedings. It was argued that the findings returned by the learned Labour Court were contrary to settled principles governing domestic enquiries and therefore liable to be set aside.

21. It was additionally argued that even assuming the charges to have been established, the punishment of dismissal imposed upon the Petitioner was grossly disproportionate to the nature of the alleged misconduct, particularly having regard to the length of service rendered by him and the circumstances under which the absence had occurred.

22. *Per contra*, Though no submissions were addressed on behalf of Respondent No. 2 before this Court, the stand of the Respondent, as borne out from the pleadings, evidence and findings recorded before the learned Labour Court, is that the Petitioner had remained absent without authorization and that the disciplinary proceedings were conducted strictly in accordance with law.

23. The Respondent's case, as reflected from the Labour Court Record, is that an independent Enquiry Officer was appointed to conduct the enquiry, that the Petitioner was duly served with the charge-sheet and supplied the relevant documents, that he participated in the enquiry proceedings, cross-examined the management witness, submitted replies and written explanations and was afforded adequate opportunity to defend himself throughout the proceedings.

24. The Respondent further maintained before the learned Labour Court that the misconduct alleged against the Petitioner stood duly proved during the domestic enquiry and that the findings recorded by the Enquiry Officer

were based upon material available on record. It was also the Respondent's stand that the punishment imposed upon the Petitioner was commensurate with the gravity of the misconduct established against him.

ANALYSIS AND REASONING:

25. This Court has heard the learned counsel appearing on behalf of the Petitioner and carefully perused the record.

26. At the outset, it is necessary to note that the learned Labour Court, while deciding the preliminary issue *vide* order dated 02.09.2006, returned a categorical finding that the domestic enquiry conducted against the Petitioner was fair and proper and was not vitiated by any violation of the principles of natural justice. The relevant extract of the order reads as under:

> *"**10**. [...] From the admission of the workman and as affirmed by MW-1, the Enquiry Officer and as borne from enquiry proceedings the workman was served charge sheet. He was supplied all the documents. He fully participated in enquiry proceedings. So much so he filed the reply to the charge sheet. He joined the enquiry proceedings it was thus after giving due opportunity of being heard to him that the enquiry proceedings were concluded. Thus, this plea of the AR for the workman was also untenable per ration land in Kandla Port Trust and another Vs. K.R. Chauhan and another and Mr. Lila Bhan Vs. DALY College, Indore and another (Supra). No other plea was raised including the plea that he was prejudiced in any way by the procedure the enquiry proceedings were conducted and concluded. Accordingly, the issue is answered against the workman and in favour of the management."*

27. Thereafter, while passing the impugned Award dated 11.09.2006, the learned Labour Court held that the charges levelled against the Petitioner stood duly established and that the punishment of dismissal imposed upon the Petitioner was not shockingly disproportionate to the charges established against him.

28. On the basis of the aforesaid rival stands emerging from the record, the principal questions that arise for consideration are whether the domestic enquiry conducted against the Petitioner was vitiated on account of violation of principles of natural justice and, if not, whether the findings recorded by the learned Labour Court warrant interference in exercise of jurisdiction under Article 226 of the Constitution of India.

29. The principal challenge laid by the Petitioner before this Court is to the legality and validity of the domestic enquiry proceedings as well as the findings returned by the learned Labour Court affirming the punishment imposed by the Respondent/Management.

30. The foremost submission advanced on behalf of the Petitioner is that the enquiry proceedings stood vitiated on account of bias inasmuch as Shri Vikram Mehra, one of the partners of the Respondent/Management, had participated at various stages of the disciplinary process, including issuance of the charge-sheet, appointment of the Enquiry Officer, representation of the Management during the enquiry proceedings, appearance as a witness and passing of the order of dismissal. According to the Petitioner, such participation offended the doctrine of *nemo judex in causa sua* and rendered the entire enquiry proceedings invalid.

31. The law relating to bias in disciplinary proceedings is fairly well settled. It is true that a domestic enquiry must conform to the principles of

natural justice and that an enquiry would stand vitiated where the authority entrusted with the adjudicatory function is shown to be biased or where the circumstances give rise to a reasonable apprehension of bias. Equally, however, allegations of bias cannot be examined in the abstract or merely on account of overlap of administrative functions. The Court must examine the nature of the role performed by the concerned individual and whether such role had any bearing upon the fairness of the adjudicatory process itself.

32. In the present case, the record reveals that the enquiry proceedings were conducted by Shri Anjum Kumar, who had been appointed as the Enquiry Officer. It was the Enquiry Officer who conducted the proceedings, recorded the evidence, considered the rival stands of the parties and ultimately returned findings on the charges levelled against the Petitioner. The findings regarding the guilt of the Petitioner were, therefore, not rendered by Shri Vikram Mehra but by the Enquiry Officer.

33. At this stage, it would be apposite to notice the distinction between the roles of an Enquiry Officer, a Presenting Officer and a disciplinary authority in a domestic enquiry. The Enquiry Officer performs the adjudicatory function of evaluating the material placed on record and recording findings on the charges. A Presenting Officer merely places the employer's case before the Enquiry Officer, while a witness furnishes evidence regarding facts within his knowledge. The disciplinary authority, upon receipt of the enquiry report, considers the findings returned by the Enquiry Officer along with the representation of the delinquent employee before taking a final decision regarding punishment. These functions, though connected, are distinct in nature.

34. Significantly, the Petitioner has been unable to point out any material suggesting that the Enquiry Officer abandoned his independent role, acted under the dictates of Shri Vikram Mehra or otherwise failed to conduct the proceedings in an impartial manner. There is no material on record to indicate that the findings returned by the Enquiry Officer were predetermined or that the enquiry proceedings were conducted as a mere formality. In the absence of such material, the contention that the enquiry stood vitiated solely because Shri Vikram Mehra participated at different stages of the disciplinary process cannot be accepted.

35. The emphasis placed by the Petitioner upon the fact that Shri Vikram Mehra issued the charge-sheet, appointed the Enquiry Officer and thereafter passed the order of dismissal is also misplaced. Merely because the same authority is involved at different stages of a disciplinary process does not, by itself, establish legal bias. Particularly in private establishments and small industrial concerns, managerial functions are often discharged by a limited number of individuals. The question is not whether Shri Vikram Mehra participated in the proceedings, but whether such participation rendered the adjudicatory process unfair. No such circumstance has been demonstrated in the present case.

36. Once the allegation of bias is found to be unsupported by the record, the remaining objections raised by the Petitioner regarding the conduct of the enquiry are essentially procedural in nature. Such objections are required to be tested on the touchstone of prejudice.

37. In this regard, reference may be made to the decision of the Hon'ble Supreme Court in ***State Bank of Patiala v. S.K. Sharma,*** (1996) 3 SCC 364, wherein the Court undertook an exhaustive survey of the law relating to

violations of principles of natural justice and procedural irregularities in disciplinary proceedings. The Apex Court summarised the governing principles in paragraph 33 of the judgment and held, *inter alia*, that in cases involving violation of procedural provisions, the Court must examine whether such violation has prejudiced the delinquent employee in defending himself effectively. The Supreme Court observed:

> *"**33**. We may summarise the principles emerging from the above discussion. (These are by no means intended to be exhaustive and are evolved keeping in view the context of disciplinary enquiries and orders of punishment imposed by an employer upon the employee):*
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> *[...]*
>
> ***(3)** In the case of violation of a procedural provision, the position is this: procedural provisions are generally meant for affording a reasonable and adequate opportunity to the delinquent officer/employee. They are, generally speaking, conceived in his interest. Violation of any and every procedural provision cannot be said to automatically vitiate the enquiry held or order passed. Except cases falling under 'no notice', 'no opportunity' and 'no hearing' categories, the complaint of violation of procedural provision should be examined from the point of view of prejudice, viz., whether such violation has prejudiced the delinquent officer/employee in defending himself properly and effectively. If it is found that he has been so prejudiced, appropriate orders have to be made... If no prejudice is established to have resulted therefrom, it is obvious, no interference is called for."*

38. In the present case, the record demonstrates that the Petitioner participated in the enquiry proceedings, submitted replies to the charge-sheet,

cross-examined the management witness, produced his defence and was afforded adequate opportunity of hearing throughout the proceedings. The learned Labour Court has specifically recorded findings to this effect while deciding the preliminary issue. The Petitioner has not been able to establish that any relevant document was withheld from him, that he was denied the opportunity to examine any witness, or that any procedural irregularity resulted in failure of justice.

39. This Court is therefore unable to hold that the domestic enquiry suffered from either actual bias or procedural unfairness. This court, therefore, finds no infirmity in the conclusion reached by the learned Labour Court that the domestic enquiry conducted against the Petitioner was fair, proper and in conformity with the principles of natural justice.

40. Having upheld the finding of the learned Labour Court regarding the validity of the domestic enquiry, the next question that falls for consideration is whether the findings returned by the Enquiry Officer and affirmed by the learned Labour Court suffer from such perversity or illegality as would warrant interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

41. The record reveals that the principal charge against the Petitioner was that he had remained absent from duty without authorization for a considerable period and had failed to satisfactorily justify such absence. The case set up by the Petitioner throughout was that he had proceeded to his native place after obtaining prior permission from the Management for attending a family marriage and that his continued absence thereafter was occasioned by illness for which he had furnished medical certificates issued from Allahabad.

42. The Management, on the other hand, disputed the Petitioner's claim that his leave stood duly sanctioned and further questioned the genuineness of the explanation furnished for his prolonged absence. It was the Management's case that despite repeated communications, the Petitioner failed to satisfactorily account for his absence and that the medical documents relied upon by him did not inspire confidence. These aspects formed the subject matter of consideration during the domestic enquiry.

43. The Enquiry Officer, upon consideration of the oral and documentary evidence produced before him, did not accept the explanation furnished by the Petitioner and returned findings adverse to him. The learned Labour Court, while considering the challenge to the dismissal order, also examined the material available on record and found no reason to disbelieve the conclusions reached during the enquiry proceedings. The learned Labour Court ultimately accepted the Management's case that the misconduct alleged against the Petitioner stood established.

44. At this stage, it is necessary to bear in mind that this Court, in exercise of its limited jurisdiction under Article 226 of the Constitution of India, cannot substitute its own assessment merely because another view may also be possible on the same set of facts. So long as there existed material before the Enquiry Officer on the basis of which the findings could reasonably be arrived at, this Court would not be justified in substituting its own assessment for that of the fact-finding authorities.

45. It is trite that this Court does not sit in appeal over the findings recorded by a disciplinary authority or the Labour Court. The scope of judicial review is confined to examining the decision-making process and not the decision itself. Interference is warranted only where the findings suffer from

perversity, are based on no evidence, or are such that no reasonable person could have arrived at. The Hon'ble Supreme Court in ***B.C. Chaturvedi v. Union of India,*** (1995) 6 SCC 749, authoritatively held that judicial review is not directed against the decision itself but against the decision-making process. The Court observed that neither the High Court nor the Tribunal can act as an appellate authority to re-appreciate evidence and substitute its own conclusions for those arrived at by the disciplinary authority. The relevant paragraph of the judgement is reproduced hereunder:

> *"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."*

46. The aforesaid principle was reiterated in ***State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaya***, (2011) 4 SCC 584, wherein the Hon'ble Supreme Court held that once there is some evidence to support the findings recorded in disciplinary proceedings, the Court cannot reassess the evidentiary value of such material or arrive at an independent conclusion on facts. The adequacy of evidence is not a matter for judicial review.

47. Similarly, in ***Union of India v. P. Gunasekaran***, (2015) 2 SCC 610, the Hon'ble Supreme Court exhaustively delineated the limits of interference under Articles 226 and 227 of the Constitution and held that the High Court cannot re-appreciate evidence, examine the sufficiency of evidence or substitute its own view merely because another conclusion is possible. The Court can interfere only where the findings are based on no evidence, where admissible evidence has been ignored, or where the conclusions are manifestly perverse.

48. A perusal of the impugned Award reveals that the learned Labour Court considered the material available on record and thereafter accepted the findings recorded during the domestic enquiry. It cannot be said that the conclusions reached were based on no evidence or that the findings are so irrational that no reasonable person could have arrived at them. The threshold

for interference on the ground of perversity is therefore not satisfied in the present case.

49. This Court further finds that the Petitioner was granted adequate opportunity to participate in the enquiry proceedings and no material prejudice has been demonstrated to have been caused to him during the conduct of the enquiry. The allegation of bias and violation of principles of natural justice raised by the Petitioner has remained unsubstantiated and unsupported by any cogent material warranting interference by this Court.

50. It is also well settled that disciplinary proceedings are not governed by the strict rules of evidence applicable to criminal trials. The standard of proof required is that of preponderance of probabilities and not proof beyond reasonable doubt. In ***Union of India v. Sardar Bahadur*** (1972) 4 SCC 618, the Hon'ble Supreme Court reiterated that disciplinary proceedings proceed on the touchstone of probability and that courts ought not to interfere merely because another view on the evidence may be possible.

51. The contention of the Petitioner that the conclusions drawn by the Management were erroneous on merits is therefore of little assistance. Once there existed material before the Enquiry Officer on the basis of which a reasonable person could arrive at the conclusion reached, the findings cannot be said to be perverse. The writ court cannot convert itself into a forum for reassessment of factual disputes which have already undergone scrutiny before the competent disciplinary authority as well as the Labour Court.

52. This brings the Court to the challenge regarding the punishment imposed upon the Petitioner. The learned Labour Court, after considering the nature of misconduct proved against the Petitioner, concluded that the punishment imposed upon him was not disproportionate.

53. Learned counsel for the Petitioner has submitted that the punishment of dismissal is harsh and disproportionate having regard to the length of service rendered by him and the circumstances leading to the alleged misconduct.

54. The scope of judicial review in matters concerning punishment is even narrower. In ***B.C. Chaturvedi*** (*supra)*, the Hon'ble Supreme Court held that interference with punishment is warranted only when the punishment imposed is so disproportionate to the misconduct proved that it shocks the conscience of the Court. The Court cautioned that disciplinary control primarily falls within the domain of the employer and that judicial interference should remain an exception rather than the rule.

55. Similar principles were reiterated in ***Mahindra and Mahindra Ltd. v. N.B. Narawade***, (2005) 3 SCC 134, wherein the Hon'ble Supreme Court observed that once misconduct stands established, interference with punishment is justified only in exceptional cases where the punishment appears wholly irrational or outrageously disproportionate.

56. In the present case, the learned Labour Court consciously considered the question of proportionality and thereafter concluded that the punishment imposed upon the Petitioner did not warrant interference. The Court cannot lose sight of the fact that the Labour Court was itself vested with statutory authority under Section 11-A of the Industrial Disputes Act, 1947 to modify or interfere with the punishment if the circumstances warranted. Having exercised that jurisdiction and declined interference, a further substitution of discretion by this Court would be warranted only upon demonstration of manifest arbitrariness or perversity.

57. No such perversity is discernible from the record. The learned Labour Court has assigned reasons for accepting the findings recorded in the enquiry

proceedings and for declining to interfere with the punishment imposed. The view adopted by the learned Labour Court is a plausible view emerging from the material available on record and cannot be characterised as arbitrary or unreasonable.

58. Viewed cumulatively, this Court is satisfied that the enquiry proceedings were conducted in accordance with law, the findings recorded therein cannot be said to be unsupported by evidence, and the learned Labour Court committed no jurisdictional error in affirming the disciplinary action taken by the Management. The challenge mounted by the Petitioner, therefore, fails to disclose any ground warranting interference under Article 226 of the Constitution of India.

CONCLUSION

59. In view of the aforesaid discussion, this Court finds no infirmity, illegality or perversity in the order dated 02.09.2006 and Award dated 11.09.2006 passed by the learned Presiding Officer, Labour Court-V, Karkardooma Courts, Delhi in I.D. No. 860/98 warranting interference by this Court under Article 226 of the Constitution of India.

60. Accordingly, the present writ petition along with pending applications, if any, is dismissed. There shall be no order as to costs.

SHAIL JAIN
JUDGE

JULY 06, 2026
DG