



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

% ***Pronounced on: 30th June, 2025***

+ **CRL.M.C. 2712/2017&CRL.M.A. 11215/2017**

GURDAYAL SINGH

S/o Pyare Singh,
R/o B-6/35, Safdarjang Enclave,
New Delhi-110029

.....Petitioner

Through: Petitioner in person.

versus

1. **ARUN GOEL ADDL. G.M.(A)**
Transco (DVB), Shakti Sadan
Kotla Marg, I.P. Estate, New Delhi.
2. **Y.P. SINGH MEMBER (T)/ADDL. G.M.(A)**
Transco (DVB), Shakti Sadan
Kotla Marg, I.P. Estate, New Delhi.
3. **N.P. SINGH ADDL GM (A)**
Transco (DVB), Shakti Sadan
Kotla Marg, I.P. Estate, New Delhi.
4. **S. ANANDAN, ASST. VIGILANCE OFFICER**
Transco (DVB), Shakti Sadan
Kotla Marg, I.P. Estate, New Delhi.

.....Respondents

Through: Mr. Yudhvair Singh Chauhan, Ld. APP for
the State.
Mr. Dinesh Kumar, Advocate for R-4.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the Petitioner, Sh. Gurdayal Singhto challenge the Order dated 07.01.2015 *vide* which the Ld. ASJ has upheld the Order of the Ld. M.M. dated 19.08.2014 *vide* which the four Respondents have been discharged for the offence under Section 465, 471, 474, 167 read with Section 120B Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) in Complaint Case No.740/1/14.
2. The Complainant/Petitioner, Sh. Gurdayal Singh filed a Complaint under Section 200 Cr.P.C. read with Section 190 Cr.P.C. against total eight Respondents including the four Respondents herein, in the present Petition. The Complainant submitted in his Complaint that he had been employed as Meter Reading Inspector (M.R.I.) in the office of Executive Engineer, BSES (formerly known as D.V.B) Adhchini, New Delhi.
3. **Respondent No.6, R.N. Sharma Sr. Clerk**, BSES (DVB) had given a Complaint that four files/ cases *vide* entries dated 09.08.1990 had been acknowledged by the Complainant, Sh. Gurdayal Singh in the Receipt Register. However, he malafidely in conspiracy with the other Respondents, entered ten files from Sr. No.5 to 14, though these files were never received by the Complainant, Sh. Gurdayal Singh. On this Complaint of missing files the Departmental Enquiry had been initiated against him.
4. Disciplinary proceedings under *Section 7 DESU (DMC) Service (C & A) Reg. 1976* was initiated against him *vide* Memo No.VC-478/92-VIG/PV/457 dated 02.11.1993, issued under the Orders of Respondent No.1 Sh. Arun Goel, Additional G.M. (A), Transco (DVB), Shakti Sadan.



5. Memo No.VC-478/92-VIG/PV/139 dated 16.05.1994 was also issued against him by Respondent No.4, S. Anandan, Assistant Vigilance Officer, Transco (DVB), Shakti Sadan, on the basis of documents forged by the other Respondents.
6. Bogus Enquiry was initiated against him and despite his denial of Charges, Report was submitted that the Charges were not proved. During the Enquiry, **Sh. Ashok Kumar Raswant(Respondent No.8in the Complaint)** gave false statement regarding the alleged receipt of documents by the Complainant, on the relevant date, even though he was not even posted in the office and could not have been a witness to the alleged receipt of the Files.
7. As a part of conspiracy,**Respondent No.2, Y.P. Singh** vide Memo dated 10.02.1993 directed the Complainant to *Show Cause* as to why the Charges be not held proved (in disagreement with the findings of the Enquiry Officer) and why major penalty be not imposed upon him. Thereafter, the Chief Managing Director/CEO, Transco (formerly Chairman, DVB) and Respondents tortured him under the guise of bogus enquiry and ultimately after a long battle of about 9 years upto High Court of Delhi, the Complainant was exonerated by the Competent Authority of the charges levelled against him.
8. Thereafter, the Complainant, Sh. Gurdayal Singh served a Notice under Section 80 CPC on Respondent No.1 to 4 and the Chief Managing Director along with Govt. of NCT of Delhi, for having initiated false proceedings against him on false and frivolous allegations and to pay a sum of Rs.20,00,000/- as damages. He also sought initiation of legal action against the Respondents for the offences committed by them. However, no action was initiated against them.



9. The Complainant, Sh. Gurdayal Singh also filed a *Recovery Suit No.1751/2002* for recovery of Rs.20,00,000/- as damages in this Court, which is pending trial.

10. The Complainant also filed Complaints on 29.12.2002 against the Respondents, before the Central Vigilance Commission. The Complainant alleged that the Respondents be summoned and tried for the offence punishable under Section 465/471/474/267 read with Section 120-B IPC.

11. The Ld. M.M *vide* Order dated 19.08.2014 observed that no prima facie case was made out against the four Respondents who had acted in their official capacity on the basis of allegations of forged and fabricated documents. The averments contained in the Complaint did not prima facie disclose any offence against the Respondents who were discharged.

12. The Complainant filed a *Revision Petition No.59/2014* to challenge the Order of Discharge dated 19.08.2014 passed by the Ld. M.M, but it was also dismissed by Ld. ASJ,*vide* Order dated 07.01.2015.

13. Aggrieved by the *said Order of Discharge of the Respondents and the dismissal of the Revision Petition, the present Petition has been filed.*

14. The ***main grounds of challenge*** are that the Ld. ASJ fell in error in observing that there were no allegations of the Respondents having fabricated any Register or document or that they had no knowledge about the Register being fabricated or forged. It has been wrongly concluded that there is no prima facie case against the Respondents and this conclusion is based on suspicion and surmises.

15. It has not been appreciated that these four Respondents had initiated Disciplinary Enquiry against the Complainant, Sh. Gurdayal Singh in conspiracy without applying their minds and verifying the record, thereby



causing harassment to the Complainant. It has also not been appreciated that they did not perform their duty diligently. In fact, the Respondents along with other co-accused had committed the conspiracy and made entry of ten Files from Serial No.5 to 14 in the Register, which has not been considered in the right perspective. The action of Departmental proceedings pertaining to the bogus entries initiated against the Complainant was patently false. Since the alleged acts had been done concertedly in furtherance of conspiracy, they all were guilty of conspiracy under Section 120B IPC.

16. Furthermore, it has not been appreciated that false documents had been created to illegally initiate the Disciplinary proceedings against him in which he has ultimately been exonerated.

17. *The Impugned Order dated 07.01.2015 is, therefore, liable to be set aside and the Respondents are liable to be tried for the offence as stated in the Complaint.*

18. ***The Respondents have not filed any formal Reply, but have argued*** that the Disciplinary Enquiry had been initiated on the basis of a Complaint received in regard to the bogus entries and the Files having gone missing. However, after the detailed Enquiry, the charges could not be proved and the Complainant has been exonerated.

19. The action initiated by the Department was bonafide and on the basis of the records. The Respondents were occupying the official positions and had acted in discharge of their duty. *No offence had been committed by them and the Complaint against them, has been rightly dismissed.*

20. **Submissions heard and record perused.**

21. The Disciplinary proceedings were initiated against the Petitioner on 02.11.1993 under the Orders of ***Respondent No.1, Sh. Arun Goel*** vide memo



dated 16.05.1994 issued by **Respondent No.4, S. Anandan** on the allegations that the documents were allegedly forged by Sh.S.N. Sood, M.S.R, Sh. RN. Sharma, Sr. Clerk and Sh. Kishan Pal, MR in the BSES in the official Records.

22. The entire perusal of the Complaint reflects that the only allegation against Respondent No.1 Arun Goel was that he proposed an Enquiry in his official capacity as the Additional G.M. Respondent No.4, S. Anandan in his official capacity as Assistant Vigilance Officer, DESU gave an opportunity to the Complainant to give his written representation. **Respondent No.2, Y.P Singh as Additional GM** disagreed with the Enquiry Report by observing that the Enquiry had failed to analyse, evaluate and appreciate the evidence on record; he being the Competent Disciplinary Authority proposed to impose major penalty on the Complainant for which Show Cause Notice was issued by him.

23. **The Respondent No.3, N.P. Singh** as Additional G.M, Vigilance Department ordered for penalty of reduction by four stages in time scale of pay for a period of four years.

24. It is evident from the averments in the Complaint that there are no allegations against them of having fabricated the Register or that it was in their knowledge that the alleged Register had been forged. **Therefore, no offence under Section 465 IPC of allegedly committing any forgery is made out against them.**

25. Likewise, there was nothing on record to show that the Respondents had any knowledge or any reason to believe that the Register was not forged and fabricated and thereby **no offence under Section 471 IPC is made out.**

26. Similarly, there is nothing to even prima facie hold that the Respondents were in possession of forged documents knowing them to be forged and



intended to use them fraudulently or dishonestly. ***No offence under Section 474 IPC is also made out from the averments contained in the Complaint.*** For the similar reason, ***no offence under Section 474 IPC*** of having used any such forged document as genuine, is made out from the averments contained in the Complaint.

27. There are ***no allegations against the Respondents to have prepared any of these alleged forged documents or having translated any of such document to disclose the offence under Section 167 IPC.***

28. The four Respondents were working in different short durations in different official capacity during their tenure of service in DVB. The requisite Orders were made in discharge of their official duties. They never worked with each other as Disciplinary Authority and therefore, there is no basis to infer any conspiracy inter-se the Respondents. ***No offence even under Section 120-B IPC is made out.***

Conclusion:

29. The Respondents have been rightly discharged by the Ld. M.M and the Order upheld by the Ld. ASJ *vide* Impugned Order dated 07.01.2015. There is no infirmity in the Impugned Order.

30. The Petition along with pending Application(s) is accordingly, disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

JUNE 30, 2025

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