

**State of Bihar & Ors. vs Rakesh Kumar Dubey & Ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/1257747](https://sooperkanoon.com/1257747)

**Court :** Delhi

**Decided On :** Feb-27-2026

**Judge :** Hon'Ble Mr. Justice Anil Kshetarpal, Hon'Ble Mr. Justice Amit Mahajan

**Appeal No. :** W.P.(C)/2793/2026

**Appellant :** State of Bihar & Ors.

**Respondent :** Rakesh Kumar Dubey & Ors.

**Advocate for Pet/Ap. :** Mr. Azmat Hayat Amanullah, Ms. Rebecca Mishra, Ms. Vanshita Gupta, Mr. Siddharth, Mr. Harshit Manwani, Ms. Himanshi Girdhar, Mr. Deepanshu Grover

**Judgement :**

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 27.02.2026 + W.P.(C) 2793/2026, CM APPL. 13529/2026, CM APPL.

STATE OF BIHAR & ORS. ....Petitioners Through: Mr. Azmat Hayat Amanullah, ASC along with Ms. Rebecca Mishra, Advocate and Ms. Vanshita Gupta, Advs.

**versus**

RAKESH KUMAR DUBEY & ORS. ....Respondents Through: Mr. Siddharth with Mr. Harshit Manwani, Ms. Himanshi Girdhar and Mr. Deepanshu Grover, Advs. for R-1.

**CORAM:**

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

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

J U D G M E N T (ORAL)

**ANIL KSHETARPAL, J.:**

1. By way of the present Petition, the Petitioner assails the

correctness of the order dated 17.10.2025 [hereinafter referred to as Impugned Order] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as Tribunal] in M.A. No. 544/2024 in O.A. No.3143/2022.

2. By the Impugned Order, the Tribunal dismissed the application

preferred by the present Petitioner-Employer seeking extension of time for completion of the pending disciplinary proceedings against Respondent No.1.

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3. The limited issue which arises for consideration in the present

petition is whether, in the facts and circumstances obtaining in the case, the Tribunal was justified in declining further extension of time for completion of the disciplinary inquiry.

## **FACTUAL BAKGROUND**

4. The factual background, to the extent relevant for adjudication

of the present petition, is not in serious dispute.

5. Respondent No.1, at the relevant point of time, was posted as

Superintendent of Police. Articles of Charges were framed against him alleging that he had facilitated illegal sand mining and its transportation. Disciplinary proceedings were accordingly initiated against Respondent No.1.

6. During the pendency of the said proceedings, Respondent No.1

approached the Tribunal by filing O.A. No. 3143/2022, inter alia challenging the non-supply of certain documents in the course of the disciplinary inquiry. In the said Original Application, the Tribunal, vide order dated 10.11.2022, stayed further proceedings in the disciplinary inquiry. The said stay continued to operate until it was vacated on 15.12.2023.

7. Thereafter, the Tribunal disposed of the Original Application

vide order dated 09.02.2024, while directing the Petitioner to ensure culmination of the disciplinary proceedings preferably within a period of three months.

8. In view of the said direction, the Petitioner filed an application

on 02.08.2024 seeking extension of time by six months for completion of the inquiry. The said application was allowed by the Tribunal vide

**order dated 04.10.2024. However, while granting extension, the**

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Tribunal directed that the extended period of six months would commence from 10.05.2024. As a consequence, the effective time available to the Petitioner for conclusion of the inquiry stood drastically curtailed, and the Petitioner was left with only 38 days to conclude the proceedings.

9. Thereafter, the Petitioner moved another application seeking

further extension of six months for completion of the disciplinary proceedings. The said application came to be dismissed by the Tribunal by way of the Impugned Order dated 17.10.2025.

10. Aggrieved thereby, the present Writ Petition has been filed.

## **CONTENTIONS OF THE PARTIES**

11. Learned counsel representing the Petitioner submits that sincere

and bona fide efforts are being undertaken to conclude the disciplinary proceedings in right earnest and that there is no intention on the part of the Petitioner to unduly delay the inquiry. It is further submitted that the disciplinary proceedings remained stayed for a period exceeding one year on account of the interim order passed by the Tribunal in the Original Application filed by Respondent No.1.

12. Learned counsel submits that once the stay was vacated, steps

were initiated to proceed with the inquiry and the Inquiry Officer has been directed to conclude the proceedings expeditiously. It is further submitted that, at the present stage, examination of witnesses on behalf of the employer is under process and the inquiry is actively progressing. It is thus contended that refusal to grant further extension would result in serious prejudice to the Petitioner and would defeat the very purpose of conducting a disciplinary inquiry.

13. Per contra, learned counsel representing the Respondent

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submits that the continued pendency of the disciplinary proceedings is causing grave prejudice to Respondent No.1. It is submitted that Respondent No.1 is due to demit office shortly and the pendency of the inquiry adversely affects his service interests.

14. It is further contended that while certain documents have not

been supplied to Respondent No.1, the disciplinary proceedings have nonetheless remained pending for a considerable period, thereby causing hardship and uncertainty.

## **ANALYSIS & FINDINGS**

15. This Court has given thoughtful consideration to the rival

submissions and perused the material placed on record. At the outset, it is to be noted that the disciplinary proceedings were stayed by the Tribunal on 10.11.2022 and the said stay remained operative until 15.12.2023. Thus, for a period of more than one year, the inquiry could not progress owing to judicial orders.

16. The Tribunal, while disposing of the Original Application on

09.02.2024, directed that the disciplinary proceedings be concluded preferably within three months. Thereafter, extension of six months was granted on 04.10.2024; however, the extended period was directed to commence retrospectively from 10.05.2024.

17. The effect of such direction was that, in practical terms, the

Petitioner was left with only 38 days to complete the entire inquiry process.

18. A disciplinary inquiry, particularly where Articles of Charges

relate to serious allegations such as facilitation of illegal sand mining and its transportation, necessarily requires examination of witnesses, consideration of documentary material and adherence to procedural

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safeguards.

19. While expeditious conclusion of disciplinary proceedings is

undoubtedly desirable and in the interest of both the employer and the delinquent officer, the fixation of an unduly constricted timeline, particularly after the proceedings had remained stayed for over one year, may render meaningful completion of the inquiry impracticable.

20. The refusal to grant further extension, in the peculiar factual

backdrop of the present case, has the potential consequence of leaving the inquiry inconclusive. Such an outcome would serve neither the interest of the employer nor that of Respondent No.1.

21. It is equally important to note that the Articles of Charges

framed against Respondent No.1 are required to be duly probed. The employer is entitled, in accordance with law, to conduct the inquiry and arrive at a reasoned conclusion. The mere fact that Respondent No.1 is stated to be due to demit office shortly cannot, in the circumstances of the case, outweigh the necessity of permitting the inquiry to reach its logical culmination.

22. In the considered opinion of this Court, the Tribunal, while

exercising jurisdiction in the matter, ought to have taken into account the fact that the inquiry remained stayed for more than one year pursuant to its own interim orders; and the practical consequence of its earlier order dated 04.10.2024, which effectively granted only 38 days for completion of the inquiry.

23. In these circumstances, the dismissal of the Petitioners

application seeking further extension cannot be sustained.

## **CONCLUSION**

24. For the foregoing reasons, the present Writ Petition is allowed.

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The Impugned Order passed by the Tribunal is hereby set aside.

25. The Petitioner is granted a further period of six (06) months

from today to make sincere efforts to conclude the disciplinary inquiry.

26. The Writ Petition, along with all pending applications, stands

disposed of in the above terms.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**FEBRUARY 27, 2026**

s.godara/pal

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