

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4216 OF 2026**

(Arising out of SLP (C) No. 5299 of 2026)

NATIONAL BAL BHAWAN & ANR.

**A1 : National Bal Bhawan,
Through its Director, Kotla Road, New Delhi.
A2 : Chairman, National Bal Bhawan,
Kotla Road, New Delhi.**

Appellant(s)

VERSUS

KHAZAN CHAND & ORS.

**R1 : Khazan Chand
R2 : Union of India, Through Secretary, Ministry of HRD,
Department of Education, Shastri Bhawan, New Delhi.
R3 : Smt. Madhu Pant, Ex-Director, National Bal Bhawan.**

Respondent(s)

O R D E R

Heard learned counsel for the parties.

- 2. Leave granted.**
- 3. The appellants are aggrieved by the impugned order dated**

05.12.2025 passed by the Division Bench of High Court of Delhi at New Delhi in LPA No.662 of 2025 by which the order passed by the learned Single Judge dated 26.09.2025 was upheld wherein the learned Single Judge has interfered in the dismissal order passed by the appellants against the respondent No.1 pursuant to a departmental proceeding.

4. The learned counsel for the appellant submits that despite the charges against the respondent No.1 being proved in the departmental proceeding, the order of dismissal based on such proved charges was both reasonable and proportionate but the learned Single Judge of the High Court interfered with it on the issue which was not of much consequence. It was submitted that the Disciplinary Authority was the same person against whom the respondent No.1 had written a letter which was found to be forged and fabricated, inasmuch as the signature of the President of the Society i.e., Banwari Lal who was shown as a co-signatory along with the appellant in the capacity of a Secretary, was denied initially by Banwari Lal, though, later on, he changed his stand to contend that he had signed the document.

5. It was contended that the respondent No. 1 had also filed

writ petition by way of public interest against the respondent No.3 i.e., Disciplinary Authority for not extending her term and also for taking appropriate disciplinary action against her, which was withdrawn and thus all the allegations made by the respondent No.1 against the respondent No.3 stood withdrawn. It was contended that once all the allegations against the respondent No.3 stood withdrawn, the respondent No.3 being the Disciplinary Authority was competent to pass the order. It was further contended that even otherwise, the Court would consider the fact that the doctrine of necessity would come into play inasmuch as there was only one Disciplinary Authority of the rank of the respondent No.3, being the Director and thus, the responsibility could not have been discharged by any other person and pursuant to any order passed by the Director, an appeal would lie to the Superior Authority. Thus, there was no other person available to take a decision in the capacity of Director, which was the post held by the respondent No.3.

6. Learned counsel submitted that even otherwise the Court granting entire back wages along with reinstatement is excessive and at best, the matter could have been remanded to begin from the stage where the Disciplinary Authority would

take a call based on the inquiry report and then proceed further in accordance with law.

7. *Per contra*, learned counsel for the respondent No.1 submits that the bias against the respondent No.1 was clear from the conduct of the respondent No.3 for the reason that he had not only filed a complaint against her before the Superior Authority and the Union Government but also filed a writ petition. This itself was enough to dis-entitle the respondent No.3 from acting as the Disciplinary Authority, especially in a matter where a major decision had to be taken with regard to the career and future prospect of the respondent No.1.

8. Learned counsel submitted that the allegations against the respondent No.3 were of a nature which has found favour with the Authorities concerned, inasmuch as she was not given an extension and rather she was appointed on contractual basis on the post of Director for one year or till a new incumbent was posted, whichever was earlier. Thus, in that background, it was contended that any order passed by the respondent No.3 is a nullity in law, as it is hit by the principle of bias and also malice both in facts as well as in law.

9. We have considered the matter from all angles in its

entirety. The fact that there was a charge which was serious, did warrant a full-fledged disciplinary inquiry which has been done. However, now comes a stage where the inquiry report has to be taken to its further logical conclusion by the Disciplinary Authority by applying his or her independent mind and then either accept the inquiry report or differ with it, giving reasons and then communicating to the delinquent his or her views upon which a show cause is required to be asked for. In the present case, the Disciplinary Authority has indicated that the charges were proved, whereas the fact was that only one of the two charges stood proved and on the other there was no clarity.

10. Be that as it may, even otherwise, with regard to the competence of the Disciplinary Authority, as there were serious doubts raised, and as a matter of fact, which is an admitted position, that she was the person against whom the respondent No.1 had sent the so-called forged letter and also had filed a writ petition, the allegation of the respondent No.3 carrying ill will against the respondent No.1 cannot be brushed aside.

11. We are reminded of the maxim that "justice should not only be done but should also be seen to be done". In the present

case, where already the respondent No.3 was at the receiving end of allegations made by the respondent No.1, the Authorities ought to have been mindful of not leaving anything for the respondent No.1 to be aggrieved of and most importantly, the person who was to take a final decision in the disciplinary proceeding, against whom already, he had expressed his lack of faith twice, first by sending a letter which though may have been fabricated as far as the other signatory is concerned, but as far as he was concerned, he did write the letter and later on, a writ petition was also filed before the High Court. It is not of much consequence, even if the writ petition was withdrawn for the reason that the levelling of serious charges against the respondent No.3 by the respondent No.1 was a fact which had already happened.

12. Accordingly, we find that the order of the learned Single judge as upheld by the Division Bench, does not require interference, as far as setting aside of the order of dismissal is concerned. Having said that, we are equally conscious of the fact that since the interference is because of an issue which is procedural and needs to be corrected, we revive the proceeding from the stage of consideration of the inquiry report by the Disciplinary Authority, who, we are told, now is

a different person.

13. Accordingly, the Disciplinary Authority will take a call with regard to the inquiry report and proceed in the matter in accordance with law.

14. At this stage, learned counsel for the appellant submits that the procedure would now be under Rule 9 of the Pension Rules as the appellant has superannuated in on 31.12.2022. We don't find any force in the argument. Once we are restoring the stage at the time of submission of the inquiry report dated 09.08.2006, that is, well before the date on which the respondent No.1 superannuated, it will be deemed that the proceeding has continued from that stage. The exercise shall be taken to its logical conclusion expeditiously and latest within a period of three months from today. The interregnum period would also be governed by the order which shall ultimately be passed by the Disciplinary Authority.

15. We make it clear that we have not expressed any opinion on the merits of the matter. It goes without saying that the respondent No.1 shall fully cooperate with the Disciplinary Authority. However, if there is non cooperation, the Disciplinary Authority shall proceed, in accordance with law.

16. The appeal stands disposed of in the aforementioned terms.
17. Pending application(s), if any, shall stand disposed of.

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(R. MAHADEVAN)

NEW DELHI
APRIL 06, 2026.

ITEM NO.16

COURT NO.13

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5299/2026

[Arising out of impugned final judgment and order dated 05-12-2025 in LPA No. 662/2025 passed by the High Court of Delhi at New Delhi]

NATIONAL BAL BHAWAN & ANR.

Petitioner(s)

VERSUS

KHAZAN CHAND & ORS.

Respondent(s)

FOR ADMISSION

IA No. 39682/2026 - STAY APPLICATION

Date : 06-04-2026 This matter was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :Mr. S. Rajappa, AOR
Mr. R Gowrishankar, Adv.
Ms. G Dhivyasri, Adv.

For Respondent(s) :Ms. E. R. Sumathy, AOR
Mr. V.S.R. Krishna, Adv.
Mr. Harsh, Adv.

O R D E R

Leave granted.

2. Appeal stands disposed of in terms of the signed order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

**(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)**

**(ANJALI PANWAR)
ASSISTANT REGISTRAR**