



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

%

Judgment Reserved on: 09.10.2026

Judgment Delivered on: 16.10.2026

CNR No. DLHC010913172025

+ **LPA 703/2025 (disposed of)**

M.M. DHONCHAK

.....APPELLANT

versus

UNION OF INDIA

.....RESPONDENT

Advocates who appeared in this case

For the Appellant : Mr. Balraj Singh Malik, Advocate
with Appellant in-person.

For the Respondent : Ms. Pratima N. Lakra, CGSC with Mr.
Shailendra Kumar Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

REVIEW PET. 469/2026

1. The present Review Petition has been filed by the Appellant seeking review of the judgment dated 17.08.2026 (“**Judgment**”) passed by this Court in LPA 703/2025 (“**Appeal**”), whereby the Appeal against the common judgment dated 26.09.2025 passed by the learned Single Judge in W.P.(C) Nos. 5143/2024 and 8478/2024 (“**Writ Petitions**”) was dismissed.



2. The Appellant, a retired judicial officer, was appointed Presiding Officer of the Debts Recovery Tribunal-II, Chandigarh (“DRT”) on 20.02.2022. Following complaints by the DRT Bar Association, Chandigarh, alleging misbehaviour with members of the Bar and inordinately long adjournments, the Appellant was suspended by order dated 13.02.2024 (“**Suspension Order**”) and served with a chargesheet dated 26.02.2024 initiating disciplinary proceedings. In W.P.(C) 5143/2024, the Appellant challenged the Suspension Order, the chargesheet, and the appointment of the Inquiry Officer. The Appellant’s suspension was extended from 13.05.2024 to 09.11.2024 by order dated 13.05.2024 (“**Extension Order**”), which was challenged by the Appellant in W.P.(C) 8478/2024, *inter alia*, on the ground that the subsistence allowance had not been enhanced beyond 50% of the Appellant’s last drawn pay. The suspension was further extended until 08.05.2025 by order dated 05.11.2024 and until 04.11.2025 by order dated 06.05.2025. The challenge to the order dated 05.11.2024 in W.P.(C) 15933/2024 by the Appellant was dismissed on 03.03.2025 and LPA 204/2025 against the judgment dated 03.03.2025 filed by the Appellant was also dismissed on 01.07.2025. Further, SLP (C) 23602/2025 filed by the Appellant was dismissed by the Supreme Court on 29.08.2025.

3. By common judgment dated 26.09.2025, the learned Single Judge dismissed the Writ Petitions, holding that the merits of the allegations were to be determined in the disciplinary proceedings, no jurisdictional or procedural defect attended their initiation, and the challenges to the Suspension Order and the Extension Order lacked merit. Meanwhile, the Inquiry Officer submitted the report on 03.06.2025, and the Appellant was removed from



service by order dated 18.11.2025 (“**Removal Order**”), which has been challenged before the High Court of Punjab and Haryana in CWP 6521/2026 (“**CWP 6521/2026**”). By the Judgment, this Court dismissed the Appeal, holding that the challenges to the Suspension Order and the Extension Order had become infructuous upon the Appellant’s removal and that there was no jurisdictional error warranting interference under Article 226 of the Constitution of India, 1950 (“**Constitution**”).

4. The Appellant has sought review of the Judgment, broadly contending that the Judgment has failed to consider material pleadings and written submissions concerning the enhancement of subsistence allowance, the challenge to the Suspension Order, and the effect of the Removal Order. It is further contended by the Appellant that the Appellant was entitled to enhancement of subsistence allowance from 50% to 75% after 90 days, as the delay in the inquiry was not attributable to the Appellant. The Appellant has also contended that the written arguments, though filed and relied upon, were not referred to in the Judgment, causing grave prejudice to the Appellant.

5. The Appellant further submitted that the pleadings forming the foundation of the Appeal could not have been ignored, and that the challenges to the Suspension Order and the Extension Order survived the subsequent Removal Order, as each had distinct legal consequences and the Removal Order was challenged separately on limited grounds. It was submitted by the Appellant that the finding of the Appeal having become infructuous disregarded the order dated 26.11.2025, which recorded the Appellant’s stand that invalidation of the inquiry would automatically affect the Removal Order.



6. The Appellant has contended that the Judgment has failed to address the grounds challenging the chargesheet, including allegations of forgery, dishonesty and *mala fides*, and did not adequately evaluate the documentary evidence or give reasons. Reliance was placed on *Mahabir Prasad Santosh Kumar v. State of U.P.*, (1970) 1 SCC 764, *Woolcombers of India Ltd. v. Woolcombers Workers Union*, (1974) 3 SCC 318, *Union of India v. Mohan Lal Capoor*, (1973) 2 SCC 836, *Rama Varma Bharathan Thampuran v. State of Kerala*, (1979) 4 SCC 782, *Steel Authority of India Ltd. v. Sales Tax Officer, Rourkela-I Circle*, (2008) 9 SCC 407, and *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405, on the requirement of reasoned orders and the rule that an order must stand on the reasons stated therein.

7. The Appellant placed reliance on *Padfield v. Minister of Agriculture, Fisheries and Food*, [1968] 1 All ER 694, *Sharp v. Wakefield*, [1891] AC 173, *Breen v. Amalgamated Engineering Union*, [1971] 1 All ER 1148, *Neelima Misra v. Harinder Kaur Paintal*, (1990) 2 SCC 746, and *Satish Jaggi v. State of Chhattisgarh*, (2007) 3 SCC 62, on rational exercise of discretion, natural justice, and the necessity of reasons.

8. In view of the foregoing, the Appellant has prayed that the present Review Petition be allowed and the Judgment be reviewed.

9. We have heard the learned Counsel for the Appellant and the Appellant-in-person and perused the material placed on record.

10. The scope of review under Order XLVII Rule 1 of the Code of Civil Procedure, 1908 is limited. Review lies upon discovery of new and important matter or evidence which, despite due diligence, was not within the



applicant's knowledge or could not be produced when the order was passed, or upon an error apparent on the face of the record.

11. An error apparent must be self-evident and discernible without elaborate reasoning. Review is not an appellate jurisdiction and cannot be invoked to reassess the merits or substitute one possible view for another. A review petition cannot become an appeal in disguise.

12. The Appellant alleges errors apparent on the face of the record on the following grounds: (i) non-consideration of the pleadings and written arguments; (ii) failure to address the claim for enhanced subsistence allowance; (iii) the finding that the challenges to the Suspension Order and the Extension Order became infructuous upon the Removal Order; (iv) the effect of the order dated 26.11.2025 not having been considered; and (v) the absence of reasons on the challenge to the chargesheet.

13. As regards the alleged non-consideration of the pleadings and written arguments, the Judgment has adequately addressed all the issues arising for determination by recording its own reasons and affirming the reasons given by the learned Single Judge. The Judgment has considered whether the challenges to the Suspension Order and the Extension Order survived and concluded that those challenges had become infructuous. Therefore, it was not required to deal with each of the submissions challenging the Suspension Order and the Extension Order and there is no error apparent on the face of the record warranting review.

14. The submission of the Appellant regarding the subsistence allowance was part of the challenge to the Extension Order, which extended the Appellant's suspension from 13.05.2024 to 09.11.2024. However, in W.P.(C)



8478/2024, the Appellant sought only the setting aside of the Extension Order and reinstatement of the Appellant as Presiding Officer of the DRT. The Appellant did not seek any specific relief for enhancement of subsistence allowance. As the Judgment held that the challenge to the Extension Order did not survive the Removal Order, the incidental claim of subsistence allowance was likewise rendered infructuous.

15. The Judgment noted that the disciplinary proceedings had culminated in the Removal Order, which is under challenge in CWP 6521/2026, and accordingly held that the challenges to the Suspension Order and the Extension Order had become infructuous. Suspension pending inquiry is an interim measure intended to facilitate the unhindered conduct of disciplinary proceedings, as recognised in *Union of India v. Ashok Kumar Aggarwal*, (2013) 16 SCC 147. Upon culmination of the inquiry in the Removal Order, the Suspension Order ceased to operate independently. The Appellant's contention that the Suspension Order and the Extension Order should nonetheless be examined separately seeks reconsideration of the Judgment on merits, which is impermissible in review. The present Review Petition is, therefore, in the nature of an appeal in disguise.

16. The grounds for challenging the Removal Order, including any reservation regarding the inquiry report, shall be considered in CWP 6521/2026, which is pending before the Punjab and Haryana High Court. In view of the subsequent events affecting the relief claimed in the Writ Petitions, the Judgment held that such relief had been rendered infructuous.

17. The order dated 26.11.2025 was passed in the Appeal on the Appellant's request for early hearing following the Removal Order. It merely



recorded that the Appellant declined to challenge the Removal Order in the Appeal and maintained that invalidation of the inquiry would automatically nullify the Removal Order. The Court neither accepted that position nor held that the challenges to the Suspension Order and the Extension Order survived. On the contrary, early hearing was declined because the Appellant had already been removed. Therefore, no issue was decided *vide* order dated 26.11.2025 that was inconsistent with the Judgment. Accordingly, the Appellant is not entitled to seek review of the Judgment on this ground as well.

18. The remaining grounds, including those concerning the chargesheet, have already been decided on merits by the learned Single Judge and have been affirmed in the Judgment. Therefore, the Appellant is not entitled to seek reconsideration of matters on merit that have already been decided. The Judgment affirmed that the truth of the charges ordinarily cannot be examined under Article 226 of the Constitution and found no jurisdictional defect in the chargesheet. The learned Single Judge had also rejected the allegation of *mala fides*. These findings cannot be reopened in review in absence of an error apparent on the face of the record.

19. The Judgment records reasons for its conclusions in paragraphs 7 to 11. The plea that those reasons are inadequate, or that the documentary evidence warranted a different conclusion, amounts to a challenge to the Judgment on merits and cannot be examined in review.

20. The Appellant has failed to establish any error apparent on the face of the record or any other ground for review. The Review Petition merely seeks reconsideration of findings already rendered in the Judgment, which is impermissible.



21. Accordingly, no ground for review is made out. The Review Petition is dismissed, with no order as to costs.

TEJAS KARIA, J

VIVEK CHAUDHARY, J

OCTOBER 16, 2026

VN/SZ