



LABOUR

Judicial Review Of Disciplinary Proceedings: Delhi High Court's Stance On Hostile Witnesses And Standard Of Proof

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Introduction

The scope of judicial review in disciplinary proceedings continues to be a subject of considerable jurisprudential significance, particularly when it involves the assessment of evidence and credibility of witnesses. The Delhi High Court's recent judgment in *Jaideep Kumar v. Commissioner of Police & Ors.*, W.P.(C) 3520/2026, decided on 19 March 2026, provides valuable insights into the limited nature of writ jurisdiction under Article 226 of the Constitution and reinforces established principles governing the evaluation of evidence in departmental inquiries. The case presents a compelling examination of how courts approach situations where material witnesses turn hostile during disciplinary proceedings, while also clarifying the standard of proof required in such matters.

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Factual Background and Parties

The petitioner, Jaideep Kumar, served as a Head Constable (HC) in the Delhi Police and found himself embroiled in serious allegations of misconduct that would ultimately lead to a protracted legal battle spanning multiple forums. The case arose from events that transpired on 18 April 2020, when the petitioner was allegedly on "duty rest" but became involved in what would later be characterized as an illegal detention and extortion scheme.

The allegations centred around an incident involving two civilians, Chandan and Dinesh Sahoo, who were allegedly detained by the petitioner and his associate, Rudra Pratap Singh, under the pretext of suspected vehicle theft. The case would eventually wind its way through the disciplinary machinery of the Delhi Police, the Central Administrative Tribunal, and finally to the Delhi High Court.

The Alleged Incident and Initial Investigation

The sequence of events began at approximately 8:19 PM on 18 April 2020, when Chandan was observed cleaning a vehicle bearing registration number DL-1LX-2243 near Ramdev Chowk. The petitioner and his associate approached and began questioning Chandan, ostensibly based on suspicion of vehicle theft. When Dinesh Sahoo, the vehicle owner, arrived at the scene, he explained that Chandan was merely cleaning his vehicle and that he had purchased it from one Manjeet, though the ownership transfer had not yet been completed.

Rather than following established police procedure by taking the individuals to the nearest police station for further inquiry, the petitioner made a critical decision that would later form the crux of the misconduct charges. He transported both Chandan and Dinesh Sahoo in his private vehicle to Manjeet's dairy to verify the ownership claims. After confirming the facts with Manjeet, the petitioner allegedly threatened to implicate both individuals in a false theft case unless they paid him money.

The extortion allegedly involved ₹42,000 in total, with ₹13,000 demanded from Chandan and ₹29,000 from Dinesh Sahoo. Following the payment, the petitioner released both individuals at Ramdev Chowk with stern warnings not to disclose the incident to anyone. However, the scheme unravelled the following day when Ramesh, Dinesh Sahoo's younger brother, made a Police Control Room (PCR) call reporting the alleged extortion.

Departmental Proceedings and Administrative Action

The complaint triggered a preliminary inquiry conducted by ACP/Narela, during which statements were recorded from all the key witnesses, including Ramesh, Dinesh, Chandan, and Manjeet. Based on the findings of this preliminary investigation, the petitioner was placed under suspension with effect from 19 April 2020 through an order dated 1 May 2020. He was subsequently reinstated from suspension on 10 August 2020.

The ACP/Narela forwarded a misconduct report through Diary No. 1562/ACP/Narela/Delhi, which led to the initiation of formal departmental proceedings under the Delhi Police (Punishment and Appeal) Rules, 1980. The departmental inquiry that followed would prove to be the focal point of the subsequent legal challenges.

During the departmental inquiry, a significant development occurred that would become central to the petitioner's defence strategy. The star witnesses ie., Dinesh, Chandan, and Ramesh turned hostile and categorically denied the allegations of extortion. They disavowed any demand, payment, or exchange of money with the petitioner, effectively undermining what appeared to be the prosecution's case.

Despite this apparent setback, the Enquiry Officer concluded that the charges against the petitioner stood proved. Crucially, the Enquiry Officer noted in his report that the petitioner had "won over the witnesses," suggesting that their change of testimony was the result of external influence rather than a reflection of the truth.

Disciplinary Authority's Decision and Appeals

On 3 June 2021, the Disciplinary Authority awarded the petitioner a punishment of forfeiture of one year's approved service with permanent effect. Additionally, the period of suspension from 19 April 2020 to 9 August 2020 was treated as "not spent on duty" for all intents and purposes. This decision was based on the Enquiry Officer's findings and represented a significant penalty that would have lasting implications for the petitioner's career and benefits.

The petitioner challenged this decision before the Appellate Authority, which rejected his appeal on 22 September 2021. Undeterred, the petitioner then approached the Central Administrative Tribunal by filing Original Application No. 1779/2022. However, the learned Tribunal dismissed the application through its order dated 25 March 2025, upholding the concurrent findings of both the disciplinary and appellate authorities.

Contentions Before the High Court

The petitioner's counsel argued before the Delhi High Court that the concurrent findings of guilt were fundamentally flawed and unsustainable. The primary contention was that since the material witnesses had categorically denied any transaction, demand, payment, or exchange of money during the departmental inquiry, there was no evidence to support the charges against the petitioner.

The petitioner's legal team emphasized that the Enquiry Officer's observation that the petitioner had "won over the witnesses" was speculative and without any factual foundation. They argued that once the star witnesses had turned hostile and failed to implicate the petitioner during their examination, the disciplinary authorities could not rely on their earlier statements recorded during the preliminary inquiry.

Furthermore, the petitioner contended that the disciplinary authority had mechanically accepted the Enquiry Officer's report without conducting an independent evaluation of the evidence, thereby rendering the entire proceedings flawed and liable to be set aside.

The respondents, however, maintained that there was no infirmity in the impugned orders that would warrant interference by the High Court. They argued that sufficient circumstantial evidence existed on record to establish the petitioner's guilt, and that the standard of proof in departmental proceedings preponderance of probabilities had been adequately met.

High Court's Analysis and Legal Principles

The Division Bench, comprising Hon'ble Mr. Justice Anil Kshetarpal and Hon'ble Mr. Justice Amit Mahajan, began their analysis by reaffirming the well-established principles governing judicial review under Article 226 of the Constitution. The Court emphasized that it does not sit as an appellate authority over findings recorded by disciplinary authorities and cannot assume the role of reappreciating evidence as a matter of course.

The Court clarified that interference with findings recorded during departmental inquiries is permissible only when such findings are shown to be perverse or patently illegal. The reappraisal of evidence and arrival at fresh findings of fact is generally impermissible unless the original conclusions are demonstrably unreasonable or based on no evidence whatsoever.

Addressing the core issue of hostile witnesses, the Court held that merely because witnesses turn hostile during proceedings, their initial statements do not automatically become inadmissible. The disciplinary authority remains well within its domain to assess the credibility of witnesses and weigh contrasting statements in its quest to ascertain the guilt of the accused employee.

Evaluation of Evidence and Circumstances

The Court conducted a thorough examination of the evidence on record and noted several crucial factors that supported the disciplinary authority's findings. During the preliminary inquiry, the material witnesses had unequivocally stated that the petitioner had extorted money from them. These statements formed part of the official record and were properly considered by the inquiry officer.

Even during the departmental inquiry, despite their hostile stance regarding the monetary demands, the witnesses admitted several incriminating facts. Dinesh and Chandan confirmed that the petitioner had accompanied them to Manjeet's dairy in his private car on 18 April 2020 to verify the vehicle's ownership. They also confirmed that Ramesh had indeed made the PCR call on 19 April 2020 reporting the alleged extortion, and they identified their signatures on the statements recorded earlier by the police.

The Court noted that the preliminary inquiry was conducted by ACP/Narela, Nirav Patel, who was also examined as a witness during the departmental inquiry along with ATO/Narela, Radhey Shyam. Significantly, despite being given the opportunity, no questions were put to these officers suggesting that the initial statements were incorrect or obtained under threat or duress.

Standard of Proof and Procedural Compliance

A critical aspect of the Court's analysis focused on the standard of proof applicable in departmental proceedings. The Court reiterated that unlike criminal proceedings where guilt must be established beyond reasonable doubt, departmental inquiries operate on the civil standard of preponderance of probabilities. The Court found that this standard had been adequately met in the present case based on the totality of circumstances.

The Court also examined the petitioner's conduct from a procedural standpoint. It observed that when a police officer encounters a situation raising suspicion of theft, the established procedure requires immediately calling the emergency officer and handing over the suspected persons to the concerned police authorities on duty. The petitioner's decision to take matters into his own hands while on duty rest, particularly by transporting the complainants in his private vehicle, constituted a serious departure from prescribed protocols.

Court's Final Assessment

After a comprehensive analysis of the material on record, the Court concluded that it could find no perversity in the findings rendered by the Disciplinary Authority, Appellate Authority, and the learned Tribunal. The Court specifically concurred with the concurrent findings that the petitioner should have followed proper procedure by immediately contacting the police station rather than taking independent action.

The Court determined that the combination of the initial witness statements, the admissions made during the departmental inquiry, the PCR call made by Ramesh, and the petitioner's irregular conduct provided sufficient grounds to conclude that the charges were proved on the basis of preponderance of probabilities.

Conclusion

The Delhi High Court's judgment in *Jaideep Kumar v. Commissioner of Police & Ors.* serves as an important precedent reinforcing the limited scope of judicial review in disciplinary matters and clarifying the approach courts should adopt when dealing with hostile witnesses in departmental proceedings. The decision dismissing the writ petition demonstrates the Court's reluctance to interfere with concurrent findings of disciplinary authorities unless there are clear legal infirmities.

The judgment highlights several key principles that continue to guide administrative law jurisprudence. First, it reaffirms that the standard of proof in departmental proceedings is preponderance of probabilities rather than proof beyond reasonable doubt.

Second, it establishes that initial statements recorded during preliminary inquiries remain admissible and can be relied upon even when witnesses subsequently turn hostile, provided the disciplinary authority gives cogent reasons for preferring the earlier version.

Most importantly, the case highlights that disciplinary authorities are best positioned to assess evidence and credibility, and courts will interfere only in cases of manifest legal infirmity or perversity. For public servants, the judgment serves as a reminder that adherence to prescribed procedures and protocols is not merely administrative formality but a fundamental aspect of professional conduct that, when violated, can support inferences of misconduct even in the absence of direct evidence.

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