



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

% Judgment reserved on: 02.11.2023
Judgment pronounced on: 06.11.2023

+ LPA 204/2023, CM APPL. 14537/2023 & CM APPL.
14538/2023

SEEMA KHATTAR

..... Petitioner

versus

THE PROJECT AND EQUIPMENT CORPORATION OF
INDIA LTD
..... Respondent

Advocates who appeared in this case:

For the Appellant : Mr. Sanobar Ali, Ms. Shabana Shama
and Mr. Shoib Ali, Advocates along with
appellant in person
For the Respondent : Mr. M.K. Vashisht, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J.

1. This is an appeal under Clause 10 of the Letters Patent assailing the judgment and order dated 31.10.2022 passed by the learned Single Judge in WP (C) No. 2298/2012 *Seema Khattar vs. The Project and Equipment Corporation of India Ltd.* whereby the learned Single Judge had upheld the penalty of dismissal imposed by the Disciplinary Authority.

2. The facts arising in the present appeal, shorn of all unnecessary



details and as culled out from the impugned order are as under:-

- a. *The brief facts leading to filing of the writ petition are that the Petitioner was posted as an Executive Assistant with the Project and Equipment Corporation of India Ltd. A memorandum of charge-sheet was issued to the Petitioner vide letter dated 28th February 2011 of four charges which pertained to the visit of the Petitioner to the United States of America in the year 2008. The Petitioner was asked to submit her statement of defence within 15 days and accordingly, the Petitioner submitted her reply to the said memorandum vide letter dated 27th March 2011.*
- b. *Vide letter dated 8th April 2011, the Disciplinary Authority appointed Shri. Satya Babu, Deputy Secretary, Ministry of Overseas, Government of India as the Inquiry Officer. The Inquiry Officer found the Petitioner guilty of all the charges and the Disciplinary Authority while adopting the findings of the Inquiry Officer imposed a major penalty of termination from the job on the Petitioner. The Petitioner challenged the said order of the Disciplinary Authority before the Appellate Authority which was dismissed vide its order dated 5th October 2012.*
- c. *Aggrieved by the dismissal of her appeal by the Appellate Authority, the Petitioner has challenged the impugned order dated 21st July 2011 passed by the Disciplinary Authority as well as the impugned order dated 5th October 2016 passed by the Appellate Authority by way of writ petition before learned Single Judge of this Court.*

3. Mr. Sanobar Ali, learned counsel appearing for the appellant challenge the impugned order passed by the learned Single Judge on various grounds. It is pertinent to note that the grounds of challenge are the same as were addressed before the learned Single Judge.



4. The primary contention of the learned counsel for the appellant is that the appellant is a lady who is a disabled person suffering from 85% disability. He submits that at the relevant time the appellant was having two minor children and on account of her disability was not in a position to defend herself properly. Learned counsel also submits that the entire basis of the Articles of Charges was the fact that the husband of the appellant was an Afghan National. He further submitted that the senior officers of the respondent were against her for the reason that she had brought out instances of corruption and she had made complaints of sexual harassment against which, with a *malafide* and an oblique motive the authorities issued a show cause notice.

5. That apart, learned counsel submits that the inquiry officer as well as the disciplinary authority had not given any reasons for imposing major penalty on the appellant and therefore being arbitrary and violative of the principles of natural justice cannot be sustained. He specifically submitted that Rule 35 of the PEC Employees (Conduct, Discipline and Appeal) Rules, 1975 (hereinafter referred to as “PEC Rules”) has been violated. He also submitted that even if the allegations in the Articles of Charge are accepted as proved, the same would still not amount to misconduct.

6. That apart, learned counsel also submitted that the punishment imposed is disproportionate and this Court may, keeping in view the fact that the appellant is physically handicapped lady suffering from 85% disability with two children, consider her case leniently. He also relies upon the judgment of Hon’ble Supreme Court in *Commissioner of Police and Other vs. Sandeep Kumar* reported in (2011) 4 SCC 644 in



support of the contention regarding dis-proportionality of the punishment.

7. *Per Contra*, Mr. M.K. Vashisht, learned counsel for the respondent addressed arguments reaffirming and reiterating the reasons contained in the impugned order.

ANALYSIS AND CONCLUSION

8. We have heard learned counsel for the appellant *in extenso* and also minutely scrutinized the documents on record. We have also considered the arguments of learned counsel for the respondent.

9. Before advertng to our reasons, it would be appropriate to extract hereunder the Articles of Charges as also statement of imputation:-

“SUBSTANCE OF ARTICLES OF CHARGES AGAINST SMT. SEEMA KHATTER, EXECUTIVE ASSISTANT (UNDER SUSPENSION)

Article I Smt. Seema Khattar, Executive Assistant was repeatedly requested/ directed to submit to the office (PEC Ltd) the documents regarding permission of the competent authorities to the stay/continued stay of her husband Mr. Zabihullah Taj Zai an Afghan national in India from April, 2008 onwards. She was also asked to submit to the office a copy of her passport and a copy of passport of her spouse and children. She did not furnish these documents to the office, in spite of repeated requests. By doing so she displayed an attitude of disobedience to the lawful and reasonable orders of the competent authority, thereby conducting herself in a manner unbecoming of a public servant and thereby she violated wilfully the provisions of Rule 4 (1) (iii) of PEC Employees' (Conduct, Discipline & Appeal) Rules, 1975 read with Rule 5(6) and 5(20) of the said Rules.

Article II While seeking permission from the office (PEC Ltd) to visit USA in 2008 alongwith her husband Mr. Zabinullah Taj Zai an Afghan national and her two minor children Master Aman Khattar and Master Zaki, Taj Zai also stated to be Afghan nationals, Smt.



Seema Khattar, Executive Assistant did not disclose the fact that she was visiting USA for purposes of seeking resettlement there. The records revealed that she had plans to seek resettlement in USA at the time of her requesting for permission of this office, her employer to visit USA. This means that Smt Seema Khattar deliberately hide the fact that she was going to USA for purposes other than the purpose revealed by her in her applications dated 11.1.2008 & 18.1.2008 that the purpose of her journey to USA was “ to accompany my husband temporarily visiting to New York.” Smt. Seema Khattar, thus, revealed an element of dishonesty in her conduct in this regard and thereby she violated the provisions of Rule 4(1) (i) which casts upon every employee of PEC Ltd. a duty to maintain absolute integrity and the provisions of Rule 4(1)(iii) which imposes on every employee of the Corporation a responsibility to do nothing which is unbecoming of a public servant.

Article III While seeking permission from the office (PEC Ltd) for visiting USA in 2008, Smt. Seema Khattar, in her application dated 18.1.2008 declared that ticket expenditure of her family consisting of herself, her husband and son would be approx. Rs. 1.6 lakh and that ticket fare and all other expenditure including boarding and lodging during their stay in USA would be borne by her husband's uncle Karn Din Daood. Subsequently, it was revealed from a communication received by this office from the United Nations High Commissioner for Refugees (UNHCR) that the air tickets for herself had been issued by the US Govt. It is, thus, clear that she had given to this office incorrect information, obviously with malafide intentions. She thus, not only indulged in a dishonest act towards the Corporation, her employer but also violated the provisions of Rule 4(1)(i) and Rule 4 (1)(iii) of PEC Employees’ (Conduct, Discipline & Appeal) Rules, 1975.

Article IV Smt Seema Khattar is employed as Executive Assistant in the office (PEC Ltd) and she is thereby earning a decent salary, according to the pay structure applicable in PEC Ltd. Besides, she stated in her application dated 18.1.2008 seeking permission to go abroad to USA that the expenditure



for her tickets and also stay in USA would be borne by her husband's uncle, Mr. Karn Din Daoody. Contrary to that, UNHCR informed PEC Ltd. that she had made submissions before the said agency that she was earning a small amount by providing private tuition to students and she was noted to be the dependent spouse of Mr. Zabihullah Taj Zai an Afghan national who was recognized as a refugee. She had thus, dishonestly attempted to show to the foreign agency that she and her family could not support themselves. Moreover, Smt. Seema Khattar had not taken any permission from her employer to earn money from a source other than her employer by providing private tuition to students, being in the service of the Corporation. Smt. Seema Khattar, thus, violated the provisions of Rule 4(1) (i), Rule 4(1)(iii) and Rule 15(1) of PEC Employees' (Conduct, Discipline & Appeal) Rules, 1975.

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SMT SEEMA KHATTAR, EXECUTIVE ASSISTANT (UNDER SUSPENSION)

Article -I Smt. Seema Khattar, Executive Assistant had been employed with the PEC Ltd. since 1998. In reply to the requests made by the office (PEC Ltd) she had been submitting to the office from time to time the requisite permission she had obtained from the concerned authorities for the stay of her husband, Shri Zabihullah Taj Zai, an Afghan National and her two children, born out of the said Afghan National. However, she stopped submitting to the office the documents containing the permission of the concerned authorities for stay in India of her husband and children, who had subsequently become Afghan Nationals, according to the papers submitted by her to the office for their continued stay in India beyond 7th April, 2008. The office conveyed to Smt. Seema Khattar, Executive Assistant the first request for the said documents on 18.8.2009. The office followed it up through various / periodic communications as mentioned in Annexure-III requesting Smt. Seema Khattar to submit the said documents to prove the legal validity of the stay of her husband and two children, all three said to be Afghan Nationals as per



the papers submitted by her to the office. Smt. Seema Khattar, did not submit the documents. If she had no malafide intention in dodging the communications from the office/her employer in this regard, she would have submitted the requisite documents, as requested by the office. However, because of her disobedience, her attitude of indiscipline and her malafide intentions, she avoided furnishing the requisite documents to prove the validity/ lawfulness of the stay of her husband and children in India beyond 8.4.2008. Smt. Seema Khattar, thus, exhibited unacceptable behaviour unbecoming of a public servant, bound by the rules of the Corporation/Organization where she / he is employed. Through this behaviour/misconduct Smt. Seema Khattar violated the provision of Rule 4(1) (iii) read with Rule 5(6) & 5(20) of PEC Employees' (Conduct, Discipline & Appeal) Rules, 1975 (according to which she, like any other employee of PEC Ltd., was duty bound to maintain absolute integrity at all times.)

Article- II In her application dated 18.1.2008 submitted by Smt. Seema Khattar, Executive Assistant, while seeking permission to go to USA(New York) with her husband and two sons, she submitted that the purpose of her going to USA was to visit New York along with her husband who is visiting temporarily, by inference as a tourist and that the whole expenditure for the air tickets and her family's stay in USA, including boarding and lodging would be borne by her husband's uncle, Mr. Karn Din Daoody, whereas, subsequently PEC Ltd. i.e. her employer has come across the documents to the effect that the actual purpose of her visit to USA, with her family was to seek resettlement in USA. She along with her husband approached to the United States Department of State, Bureau of Population, Washington, D.C. along with her family for admission to the United States of America and the Deptt. approved admission of herself, her husband along with two children and directed the Transportation Company and Transportation Security Administration of that Govt. to instruct the airlines for their Transportation to and within United States. The documents in the possession of the Corporation prove beyond doubt that Smt.



Seema Khattar, Executive Assistant deceived her employer by suppressing the correct facts in this regard from the office/her employer. Her behaviour, in this respect, amounted to mischievous plan on her part, violation of the provisions of Rule 4(1)(i) and Rule 4(1)(iii) of the PEC Employees' (Conduct, Discipline & Appeal) Rules, 1975 according to which she was duty bound to maintain absolute integrity at all times and would not do anything that is unbecoming of a public servant.

Article III In January, 2008, Smt Seema Khattar, vide her application dated 18.1.2008, applied to the office / her employer for permission to visit USA (New York) alongwith her husband and sons. In that application, she submitted that the expenditure on account of air tickets for herself, her husband and son would be approx. Rs.1.60 lakhs (Rupees one lakh and sixty thousand and that all the expenditure, including boarding and lodging during their stay in USA would be borne by her husband's uncle Mr. Karn Din Daoody. As against this statement of Smt. Seema Khattar, which she made at the time of her seeking permission for going to USA, her subsequent behaviour had effectively landed the office / her employer in a very piquant situation when the office / her employer /her employer found out that she had deviated too much from her earlier statement which amounted to a commitment on her part to manage her stay in USA in the manner she indicated in her application dated 18.1.2008. The office / her employer is in possession of documents to prove that Smt. Seema Khattar made different versions of submission before the Indian Mission in New York, the UNHCR, New Delhi -110003 and the United States, Department of State, Bureau of Population, Washington, D.C. to secure for herself and her family members multiple benefits. Through her statements before those agencies that she was dependent on her husband who was stated to be an Afghan refugee and that she was living on small amounts earned by her by providing private tuition to students, Smt. Seema Khattar displayed moral turpitude. She has, thus, violated provisions of Rule 4(1)(i), and Rule 4(1)(iii) of the PEC Employees' (Conduct, Discipline & Appeal) Rules, 1975 according to which she was duty



bound to maintain absolute integrity at all times and to not do anything unbecoming of a public servant.

Article IV Smt. Seema Khattar has been employed as Executive Assistant in the PEC Ltd., a prestigious public sector undertaking of the Central Govt. of India. As an Executive Assistant employed in PEC Ltd., she has been receiving regular salary as per the pay structure of PEC Ltd., and besides she had also been enjoying all other benefits as admissible to the employees of the Corporation of her level. She besides her salary had been availing of all facilities such as medical reimbursement, Leave Travel Concession, leave encashment, conveyance reimbursement etc. for herself, her husband including two children from her office i.e. her employer. At no point of time PEC Ltd. raised issues of the Afghan Nationality of her husband and children lest PEC Ltd. could be viewed as a less than ideal employer particularly with regard to a female and handicapped employee. In other words, the Corporation, as the employer, extended all courtesies to her during her service under PEC Ltd., but, to its dismay, it found that Smt. Seema Khattar was almost consistently failing in her duty to conduct herself as a disciplined employee of PEC Ltd. There was no valid reason for her to have made submissions to UNHCR, in a manner prejudicial to the interests of PEC Ltd., her employer. She was engaged gainfully in private trade or employment by having tuition and deriving income out of the same without any permission from the office i.e. her employer as required under the PEC Employees' (Conduct, Discipline & Appeal) Rules, 1975. By doing so, Smt. Seema Khattar not only violated the provision of Rule 15(1) & 4(1) (i) of PEC Employees' (Conduct, Discipline & Appeal) Rules, 1975 which casts on every employee of PEC Ltd., a duty to maintain absolute integrity, she also conducted herself in a manner that was unbecoming of a public servant in violation of Rule 4(1)(iii) of the aforesaid rules."

It is clear from the perusal of the four Articles of Charge as also the imputations that there are serious allegations of misconduct which the appellant has been unable to rebut.



10. It appears from examining the imputation of charges that the entire allegations of misconduct revolve around the husband of the appellant who is an Afghan National; and her deliberate concealment of fact in respect of his status and the likely movement to United States of America on the basis of her not having appropriate means of livelihood in Delhi, whereas she was in a proper employment with the respondent during the relevant period. That apart, the United Nations High Commissioner for Refugees (hereinafter referred to as 'UNHCR') had disclosed by way of proper communication as to what documents she had provided to it in order to enable her to immigrate to the USA on the basis of her husband being a refugee recognized by UNHCR and she being unemployed with her sustenance being dependant on tuitions.

11. In fact, the appellant had categorically by a written correspondence, submitted to the respondent seeking permission to visit USA alongwith husband and sons and the travel expenses for her family would be approx Rs.1,60,000/- and that all the expenditure including, boarding and lodging, would be borne by husband's Uncle Mr. Karn Din Daoody. Whereas, a communication was received by the appellant from UNHCR disclosing that the air tickets for herself had been issued infact by the US Government. This too, according to the respondent was misconduct violating provisions of Rule 4(1) (i) and Rule 4 (1) (iii) of PEC Rules, 1975.

12. To the similar extent, the other Articles of Charge and imputations surrounding the aforesaid violations and misconduct have been mentioned in detail in the statement of imputations.



13. Upon having examined and closely considered the aforesaid Articles of Charge and Statement of Imputations, we had put a pertinent query to the learned counsel for the appellant as to whether the details and foundational facts of the statement of imputations were true or not. Learned counsel categorically admitted that the facts so stated are not denied.

14. Having regard to the fact that the Articles of Charge and Statement of Imputations are true and correct, we are unable to, in the facts and circumstances of the case, appreciate the challenge so made to the impugned judgment. That apart, on the issue of the scope of judicial interference in the matters challenging disciplinary actions, we have the benefit of the judgment delivered by the learned Division Bench of this Court in ***Punjab National Bank vs. Smt. Sneh Aggarwal*** reported in **2023 SCC OnLine Del 4368**.

15. It would be apposite to extract the relevant paragraphs of the said judgment which are as under:-

“40. The Hon’ble Supreme Court in the case of R. Mahalingam v. T.N. Public Service Commission, (2013) 14 SCC 379, has provided guidance on the scope of judicial interference in matters challenging disciplinary action. The Hon’ble Supreme Court in the aforesaid case, in paragraph 11 has held as under:

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“11. We have heard the learned counsel for the parties. The scope of judicial review in matters involving challenge to the disciplinary action taken by the employer is very limited. The courts are primarily concerned with the question whether the enquiry has been held by the competent authority in accordance with the prescribed procedure and whether the rules of natural justice have been followed. The court can also consider whether there was some tangible evidence for proving the charge against the delinquent and such evidence reasonably supports the conclusions recorded by the competent authority. If the court comes to the conclusion that the enquiry was held in consonance with the prescribed



procedure and the rules of natural justice and the conclusion recorded by the disciplinary authority is supported by some tangible evidence, then there is no scope for interference with the discretion exercised by the disciplinary authority to impose the particular punishment except when the same is found to be wholly disproportionate to the misconduct found proved or shocks the conscience of the court.”

41. The Hon'ble Supreme Court in the case of *Apparel Export Promotion Council Vs. A.K. Chopra*, (1999) 1 SCC 759, in paragraphs 16 & 17 has held as under:

“16. The High Court appears to have overlooked the settled position that in departmental proceedings, the disciplinary authority is the sole judge of facts and in case an appeal is presented to the appellate authority, the appellate authority has also the power/and jurisdiction to reappraise the evidence and come to its own conclusion, on facts, being the sole fact finding authorities. Once findings of fact, based on appreciation of evidence are recorded, the High Court in writ jurisdiction may not normally interfere with those factual findings unless it finds that the recorded findings were based either on no evidence or that the findings were wholly perverse and/or legally untenable. The adequacy or inadequacy of the evidence is not permitted to be canvassed before the High Court. Since the High Court does not sit as an appellate authority over the factual findings recorded during departmental proceedings, while exercising the power of judicial review, the High Court cannot, normally speaking, substitute its own conclusion, with regard to the guilt of the delinquent, for that of the departmental authorities. Even insofar as imposition of penalty or punishment is concerned, unless the punishment or penalty imposed by the disciplinary or the departmental appellate authority, is either impermissible or such that it shocks the conscience of the High Court, it should not normally substitute its own opinion and impose some other punishment or penalty. Both the learned Single Judge and the Division Bench of the High Court, it appears, ignored the well settled principle that even though judicial review of administrative action must remain flexible and its dimension not closed, yet the court, in exercise of the power of judicial review, is not concerned with the correctness of the findings of fact on the basis of which the orders are made so long as those findings are reasonably supported by evidence and have been arrived at through proceedings which cannot be faulted with for procedural illegalities or irregularities which vitiate the



process by which the decision was arrived at. Judicial review, it must be remembered, is directed not against the decision, but is confined to the examination of the decision-making process. Lord Hailsham in Chief Constable of the North Wales Police v. Evans [(1982) 3 All ER 141 HL] observed: "The purpose of judicial review is to ensure that the individual receives fair treatment, and not to ensure that the authority, after according fair treatment, reaches, on a matter which it is authorized or enjoined by law to decide for itself, a conclusion which is correct in the eyes of the court."

17. Judicial review, not being an appeal from a decision, but a review of the manner in which the decision was arrived at, the court, while exercising the power of judicial review, must remain conscious of the fact that if the decision has been arrived at by the administrative authority after following the principles established by law and the rules of natural justice and the individual has received a fair treatment to meet the case against him, the court cannot substitute its judgment for that of the administrative authority on a matter which fell squarely within the sphere of jurisdiction of that authority."

42. The Hon'ble Supreme Court has held that in exercise of review jurisdiction, normally, there should be no interference with the factual findings in a departmental enquiry unless the Court finds that the recorded findings were based either on no evidence or that the findings were wholly perverse and/ or legally untenable.

43. The Hon'ble Supreme Court in the case of State of A.P. Vs. S. Sree Rama Rao, (1964) 3 SCR 25, in paragraph 7 has held as under:

"7. There is no warrant for the view expressed by the High Court that in considering whether a public officer is guilty of the misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court, must be applied, and if that rule be not applied, the High Court in a petition I ... under Article 226 of the Constitution is competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not constituted in a proceeding under Article 226 of the Constitution a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and



according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution.”

44. In the aforesaid case, the scope of judicial scrutiny has been looked into by the Hon'ble Supreme Court in exercise of writ jurisdiction under Article 226 of the Constitution of India. 45. The Hon'ble Supreme Court in the case of Union of India Vs. P. Gunasekaran, (2015) 2 SCC 610, in paragraphs 12 & 13 has held as under:

“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:



- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- (i) the finding of fact is based on no evidence.*

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate the evidence;*
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii) go into the adequacy of the evidence;*
- (iv) go into the reliability of the evidence;*
- (v) interfere, if there be some legal evidence on which findings can be based.*
- (vi) correct the error of fact however grave it may appear to be;*
- (vii) go into the proportionality of punishment unless it shocks its conscience."*

46. The Hon'ble Supreme Court in the case of State of Karnataka Vs. N. Gangaraj, (2020) 3 SCC 423, has taken into account the earlier judgments delivered on the subject and has reiterated that the scope of interference in departmental enquiry is quite limited. Interference in disciplinary proceedings can be done in case there is violation of principles of natural justice



and fairplay or if the findings arrived at are based on no evidence/ perverse findings.

47. In light of the aforesaid judgments and in absence of any procedural irregularity or violation of principles of natural justice and fair play, this Court does not find any reason to interfere with the order passed by the Disciplinary Authority, the Appellate Authority and the Industrial Tribunal.”

In view of the overwhelming law in respect of non interference by the Courts in disciplinary proceedings, this Court is unable to bring itself to interfere in the impugned order or the order passed by the disciplinary authority.

16. In view of the above analysis, the appeal fails, both on merits as also on the question of law and as such is dismissed but without any order as to costs.

17. Pending applications also stand disposed of.

(TUSHAR RAO GEDELA)
JUDGE

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

NOVEMBER 06, 2023/rl