

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

W.P.A. 30629 of 2014

**A. Arivajagane
-Vs-
Union of India & Ors.**

For the Petitioner	: Mr. Anand Keshari
For the Union of India	: Mr. Chandreyi Alam
Heard on	: 03.03.2025, 21.05.2025, 08.08.2025
Judgment on	: 02.12.2025
Uploaded on	: 02.12.2025

Ananya Bandyopadhyay, J.:-

1. The petitioner has approached this Court invoking its constitutional writ jurisdiction assailing the disciplinary proceedings initiated against him under the CISF Rules 2001, commencing with the issuance of charge memorandum dated 26.02.2008 and culminating in the order of removal from service dated 31.08.2008, which stood affirmed by the Appellate Authority on 22.12.2008. The petitioner seeks the quashing of the impugned orders, reinstatement with continuity of service, back wages, arrears and all consequential benefits.

2. Contextually the petitioner, then serving as a constable GD under CISF Unit DSP Durgapur, was entrusted with arms and ammunitions including a 7.62 mm SLR, magazines and live rounds. On 13.01.2008, after completion of duty, it was alleged that he failed to deposit one magazine and 15 live rounds issued to him and deposited the same only after a delay of 14 hours without cogent explanation. On the basis of these allegations of gross negligence, violation of unit standing orders and dereliction of duties, the departmental enquiry was initiated.
3. The petitioner denied all charges in his written reply. Nevertheless, the Enquiry Officer and Presenting Officer were appointed and the enquiry procedure decided the charges to be proved. A copy of the report was furnished to the petitioner. Upon receipt of office representation, the disciplinary authority imposed the extreme penalty of removal from service. His statutory appeal met the fate of rejection.
4. The petitioner challenged the proceedings on the premise that the disciplinary mechanism was conducted in flagrant disregard of fairness, objectivity and foundational tenets of natural justice. It was urged that the punishment was stinted by arbitrariness, discrimination and non-application of mind.
5. The petitioner submitted the enquiry reflected by suppression of material facts shielded the real culprits. He alleged the missing ammunition was not misplaced through his negligence but was deliberately removed by Head Constable Ram Singh and "Kote Helper" Dilip Roy, who allegedly conspired to secure monetary advantage from him. The petitioner stated Ram Singh to

have demanded Rs.11,000/- for returning the magazine and rounds. Though these allegations were raised consistently, the Enquiry Officer did not initiate any probe against the accused personal. The petitioner contended this intentional inaction demonstrated a predetermined and biased mindset.

6. The Learned Advocate representing the petitioner submitted as follows:-

- i. The petitioner highlighted statements of key prosecution witnesses were inconsistent during the preliminary inquiry and the departmental inquiry with sharp contrast and contrary statements. Witnesses PM-4, PW-6 and CW-1 allegedly altered their versions; despite these contradictions being highlighted in cross-examination, the Enquiry Officer glossed such material discrepancies. Evidence suggesting the active role of Ram Singh and Dilip Roy in removing and later returning the missing ammunition was, according to the petitioner, fully corroborated in cross-examination but remained unconsidered.
- ii. It was further contended that several documents were served in Hindi, a language the petitioner was not conversant with, thereby disabling him from deciphering the contents. Despite requests, no defence assistant came forward to assist him due to regional barriers and the Enquiry Officer failed to address this predicament thereby resulting in denial of effective defence.
- iii. On 13.01.2008, the petitioner was compelled to perform rifle duty despite an earlier entitlement to a shift. He was under acute mental and emotional stress owing to a distressing phone call from his wife

relating to domestic exigencies. The petitioner asserted such unconscious mindset contributed to an honest and inadvertent lapse and was never weighed by the disciplinary authority.

- iv. It was further elaborated during the critical time when the ammunition went missing, the superior officers, so informed, did not initiate immediate search of the suspected personnel nor informed higher authorities in time. Instead, the petitioner was allegedly threatened with police action should he fail to recover the ammunition by the evening. Witness accounts, according to the petitioner, revealed that Ram Singh and Dilip Roy were seen gossiping near the main gate for over an hour on the relevant night, a conduct which according to the petitioner strengthened the suspicion of connivance.
- v. The petitioner asserted he had failed to cite independent witnesses to testify regarding the alleged monetary demand, however the Enquiry Officer ought to have summoned those mentioned by him. Their absence, he submits, cannot be held against him given the departmental control over the witnesses and their apprehension about testifying against senior personnel.
- vi. It was contended that the disciplinary authority has abdicated its duty by mechanically agreeing with the findings of the Enquiry Officer without independent scrutiny. Similarly the Appellate Authority failed to consider the petitioners detailed grounds and

merely affirmed the decision in a routine manner, thereby vitiating the appellate process.

7. In response, the Learned Advocate representing the respondents submitted the inquiry was conducted strictly in accordance with the CISF Rules. The petitioner was provided full opportunity to defend himself, cross-examine witnesses and submit his representation. The respondents contend that the petitioner's own admission of non-deposit of ammunition, coupled with the evidence on record, justify the disciplinary authority's conclusion.
8. The respondents placed reliance on binding precedence, contending that in judicial review this Court does not act as an Appellate Forum to re-appreciate evidence unless findings are perverse or violative of natural justice. It was urged that the petitioner, being a member of a disciplined force entrusted with high security ammunition, was grossly negligent and the punishment imposed had been proportionate to the gravity of the charge. The respondents asserted no *mala fide* had been established.
9. The Learned Advocate representing the respondents relied on the decision of the Hon'ble Supreme Court in *Union of India-Vs- Dalbir Singh* reported in (2021) 11 SCC 3216 *RS Saini vs. State of Panjab* reported in AIR 1999 SC 3579 para 16 and 17.
10. Upon this array of allegations and counter submissions, the petitioner prayed the entire disciplinary proceedings, being tainted by procedural informality, discrimination, evidentiary bias and disproportionality, be set aside and the petitioner be reinstated with all service benefits.

11. In **State Bank of India vs. A.G.D. Reddy**¹, the Hon'ble Supreme Court held as follows:-

"35. Shri Sanjay Kapur, learned counsel for the Bank relies on State Bank of India vs. Ram Lal Bhaskar and Another, (2011) 10 SCC 249. In that judgment the scope of judicial review of departmental proceedings was set out and the principle laid down in State of A.P. vs. S. Sree Rama Rao, AIR 1963 SC 1723, was reiterated, which reads as follows:-

"This Court has held in State of A.P. and Others v. S. Sree Rama Rao (AIR 1963 SC 1723, para 7):

"7. ... 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."

12. In **M/s Indian Oil Corporation Ltd. vs. Rajendra D. Harmalkar**², the Hon'ble Supreme Court held as follows:-

"... 7. ii) In the case of B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749, in paragraph 18, this Court observed and held as under:

"18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence

¹Civil Appeal No.11196 of 2011

²Civil Appeal No.2911 of 2022

with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.”

iii) In the case of Lucknow Kshetriya Gramin Bank (Now Allahabad, Uttar Pradesh Gramin Bank) v. Rajendra Singh, (2013) 12 SCC 372, in paragraph 19, it was observed and held as under:

“19. The principles discussed above can be summed up and summarised as follows:

19.1. When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.

19.2. The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.

19.3. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court. M/S Indian Oil Corporation Ltd vs Rajendra D. Harmalkar on 21 April, 2022 Indian Kanoon - <http://indiankanoon.org/doc/7665432/> 6

19.4. Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with

direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.

19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co- delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co-delinquent are equally placed.”

13. In **Ex Const/DurMukesh Kumar Raigar vs. Union of India**³, the Hon’ble Supreme Court held as follows:-

“... 11. In Om Kumar & Others vs. Union of India, this Court had also after considering the Wednesbury Principles and the doctrine of proportionality held that the question of quantum of punishment in disciplinary matters is primarily for the disciplinary authority, and the jurisdiction of the High Courts under Article 226 of the Constitution or of the Administrative Tribunals is limited and is confined to the applicability of one or the other of the well-known principles known as “Wednesbury Principles”¹¹ namely whether the order was contrary to law, or whether relevant factors were not considered, or whether irrelevant factors were considered or whether the decision was one which no reasonable person could have taken.

12. Again, a three-judge Bench in case of Deputy General Manager (Appellate Authority) &Ors. vs. Ajai Kumar Srivastava 12 10 (2001) 2 SCC 386 11 Associated Provincial Picture Houses Ltd. vs. Wednesbury Corporation [1948] 1 KB 223 12 (2021) 2 SCC 612 circumscribing the power of judicial review by the constitutional courts held as under:

“24. It is thus settled that the power of judicial review, of the constitutional courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner,

³Special Leave Petition (Civil) No.10499 of 2022

inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.”

14. In **P. Radhakrishnan vs. Cochin Devaswom Board**⁴, the Hon’ble Supreme Court held as follows:-

“26. The directions extracted in Para 3 above have rendered the appellants worse off in their own writ petition. In Ashok Kumar Nigam v. State of U.P., this Court held as under:-

4. The legal position, as to the powers of the High Court to direct enhancement of punishment in a writ petition arising out of disciplinary action taken against an employee, stands concluded by the decisions of this Court, referred to above. In Pradeep Kumar's case (supra), in a somewhat similar circumstances, a similar question had arisen for consideration before this Court. In that case too the High Court had found the punishment of reduction in pay and denial of increments awarded to the appellant to be (2016) 12 SCC 797 inadequate, for the gravity of the misconduct. The High Court had accordingly remanded the matter back to the disciplinary authority to award the maximum punishment of dismissal from service which direction was then assailed before this Court on the ground that the High Court had no such power to direct enhancement of punishment either by itself or by P. Radhakrishnan vs Cochin Devaswom Board on 6 October, 2025 Indian Kanoon - <http://indiankanoon.org/doc/168027022/> 7 remanding the matter to the

⁴CivilAppeal No.11902 of 2025

disciplinary authority. An employee complaining against the punishment awarded to him could not, observed this Court, be placed in a worse-off position for coming to the Court.

7. We have, in the light of the above decisions, no hesitation in holding that the High Court had fallen in a palpable error in directing issuance of a show cause notice to the appellant. The appellant could not, as observed earlier, be placed in a worse-off situation because of his having sought redress against the punishment awarded to him by the disciplinary authority which in the instant case is the High Court itself.” (Emphasis supplied)

27. In *Pradeep Kumar v. Union of India*⁵, the Court held: -

“4. Irrespective of the crime/offence with which the appellant may have been charged, it was not open to the High Court to have issued such a direction. The scope of judicial review did not allow the High Court to have interfered with the punishment imposed by the disciplinary authorities on the appellant. Besides, a writ petitioner cannot be put in a worse position by coming to court. The directions of the High Court are not sustainable and must be set aside. We are told by the learned counsel for the appellant that the respondent authority pursuant to the directions issued by the High Court initiated proceedings against the appellant for the purpose of imposing the penalty of dismissal from service. We have held that the direction of the High Court was wholly outside its jurisdiction. The appeals are thus allowed and the High Courts directions are set aside. The disciplinary enquiry initiated on the basis of the High Court's order is (2005) 12 SCC 219 consequently also quashed. However, the writ petitions will stand dismissed. There is no order as to costs.” (Emphasis supplied)

15. In ***State Bank of India vs. Ramadhar Sao***⁵, the Hon’ble Supreme Court held as follows:-

⁵CivilAppeal No.10680 of 2025

“... 6.1 It was further argued that the scope of interference in a writ petition against the departmental proceedings is not like an appeal. In judicial review, only procedural aspect could be examined. It is not the case of the respondent that there was any violation of principles of natural justice as he participated in the inquiry and cross-examined the witnesses. The customers of the Bank, in whose cases the respondent had coordinated with other bank officials for sanction of loan, have also deposed against him. Their loan accounts had become irregular. The respondent has already attained the age of superannuation on 30.06.2022. If the Disciplinary Authority agrees with the report of the Inquiry Officer, detailed reasons are not required to be recorded. It is only when *State Bank Of India vs Ramadhar Sao* on 20 August, 2025 Indian Kanoon - <http://indiankanoon.org/doc/82787363/> 2 the report is not accepted. In support of the arguments, reliance has been placed upon the judgments of this Court in *SBI v. Ajai Kumar Srivastava* 9 and *BoloramBordoloi v. LakhimiGaolia Bank and Others* 10.

...

13. The legal position with regard to interference in inquiries or the orders passed by the Disciplinary Authority in exercise of powers of judicial review is well-settled. This court in SBI's case (*supra*) observed as under:

“22. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional courts under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court...” (emphasis supplied)

13.1 Law on the issue, that disciplinary authority is not required to record reason in detail if report of inquiry officer, is accepted.

Reference can be made to judgment of this Court in *BoloramBordoloi's* case (*supra*). Relevant para thereof is extracted below:

11. ... it is well settled that if the disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based on the findings recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority. As the departmental appeal was considered by the Board of Directors in the meeting held on 10-12-2005, the Board's decision is communicated vide order dated 21-12-2005 in Ref. No. LGB/I&V/Appeal/31/02/2005-06. In that view of the matter, we do not find any merit in the submission of the learned counsel for the appellant that the orders impugned are devoid of reasons.” (emphasis supplied)”

16. In **The General Manager (P), Canara Bank vs. Ganganarasimhaiah**⁶, the Hon’ble Supreme Court held as follows:-

“31. This Court in the case of *B.C. Chaturvedi vs. Union of India and Others* reported in (1995) 6 SCC 749, a threejudges Bench has held as under: -

12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court.

...

14. In *Union of India v. S.L. Abbas* when the order of transfer was interfered with by the Tribunal, this Court held that the Tribunal was not an appellate authority which could substitute its own judgment to that bona fide order of transfer. The Tribunal could not, in such circumstances, interfere with orders of transfer of a government servant. In *Administrator of Dadra & Nagar Haveli v. H.P. Vora* it was held that the Administrative Tribunal was not an appellate authority and it could not substitute the role of authorities to clear the efficiency bar of a public servant. Recently, in *State Bank of India v. Samarendra Kishore Endow* a Bench of this

⁶Special Leave Petition (Civil) No.20343 of 2022

Court of which two of us (B.P. Jeevan Reddy and B.L. Hansaria, JJ.) were members, considered the order of the Tribunal, which quashed the charges as based on no evidence, went in detail into the question as to whether the Tribunal had power to appreciate the evidence while exercising power of judicial review and held that a tribunal could not appreciate the evidence and substitute its own conclusion to that of the disciplinary authority. It would, therefore, be clear that the Tribunal cannot embark upon appreciation of evidence to substitute its own findings of fact to that of a disciplinary/appellate authority.

32. ... 11. The scope of judicial review in the matter of domestic enquiry is to examine whether the procedure in holding domestic enquiry has been violated or the principles of natural justice has been complied with, or any perversity in the finding of guilt recorded during the course of domestic enquiry has been committed. The basic error which was committed by the Tribunal in its impugned award has not been appreciated even by the High Court and dismissed the writ petition without appreciating the finding recorded in the domestic enquiry keeping into consideration the principles laid down by this Court of preponderance of probabilities while holding guilt in the domestic enquiry and exceeded in its jurisdiction defined under Section 11-A of the 1947 Act. To the contrary, the officers with whom the alleged occurrence of gross misconduct has been committed have been put to notice that their allegation on the face of it is unfounded, baseless and has not at all occurred which is something beyond imagination. More so, when it was established during the course of enquiry after affording an opportunity of hearing to the delinquent respondent, enquiry officer held the charges proved and confirmed by the disciplinary authority followed with the penalty of dismissal upon the respondent.

33. This Court in the case of State of Rajasthan and Others vs. Heem Singh reported in (2021) 12 SCC 569 on the issue of judicial review or disciplinary matters has held as under: -

37. *In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible.”*

17. In ***The General Manager (P), Canara Bank vs. Ganganarasimhaiah***⁷, the Hon’ble Supreme Court held as follows:-

“10. While deciding issue (i), reliance was placed by the High Court on the decisions of this Court in Vijay Kumar Nigam v. State of MP¹¹ and Syndicate Bank & Ors. v. Venkatesh Gururao Kurati¹² to hold that the preliminary report is only to decide and assess whether it would be necessary to take any disciplinary action against the delinquent officer and it does not form any foundation for passing the order. The High Court further held that since all the documents relied upon by the Inquiry Officer had been made available to the appellant and the appellant’s representative having cross-examined the sole witness for the management in extenso, furnishing of the preliminary investigation report was not necessary; hence, no prejudice to the appellant was caused thereby.

...

20. A coordinate Bench in *Krishna Chandra Tandon v. Union of India*¹⁹ incontrovertibly held that there is no requirement to furnish a preliminary inquiry report when the enquiry officer has not relied upon the same to reach the conclusions recorded in the inquiry report after a regular inquiry. The relevant passage reads as follows:

“16. ... It is very necessary for an authority which orders an enquiry to be satisfied that there are prima facie grounds for holding a disciplinary enquiry and, therefore, before he makes up his mind he will either himself investigate or direct his subordinates to investigate in the matter and it is only after he receives the result of these investigations that he can decide as to whether disciplinary action is called for or not. Therefore, these documents of the nature of inter-departmental communications between officers preliminary to the holding of enquiry have really no importance

⁷Civil Appeal No.6599 of 2025

unless the Enquiry Officer wants to rely on them for his conclusions. In that case it would only be right that copies of the same should be given to the delinquent. It is not the case here that either the Enquiry Officer or the CIT relied on the report of Shri R.N. Srivastava or any other officer for his finding against the appellant. Therefore, there is no substance in this submission.”

...

22. A three-Judge Bench of this Court in *Narayan Dattatraya Ramteerthakhar v. State of Maharashtra*²¹ observed that:

“3. ... It is then contended that the preliminary enquiry was not properly conducted and, therefore, the enquiry is vitiated by principles of natural justice. The preliminary inquiry has nothing to do with the enquiry conducted after issue of charge-sheet. The former action would be to find whether disciplinary enquiry should be initiated against the delinquent. After full-fledged enquiry was held, the preliminary enquiry had lost its importance.”

...

61. “5. Reliance was placed on sub-rule (5) of Rule 50 which reads as under: ‘(5) Orders made by the Disciplinary Authority or the Appointing Authority as the case may be under sub-rules (3) and (4) shall be communicated to the employee concerned, who shall also be supplied with a copy of the report of inquiry, if any.’ It was urged that copy of the inquiry report having been supplied to the respondent the rule was complied with and the High Court committed an error in coming to conclusion that principle of natural justice was violated. Learned Additional Solicitor General urged that the principle of natural justice having been incorporated and the same having been observed the Court was not justified in misinterpreting the rule. The learned counsel urged that the Bank was very fair to the respondent and the disciplinary authority after application of mind and careful analysis of the material on record on its own evaluation, uninfluenced by the CVC recommendation passed the order. It was emphasised that if the exercise would have been mechanical the disciplinary authority would not have disagreed with CVC

recommendations on punishment. Learned counsel submitted that, in any case, the disciplinary authority having passed detailed order discussing every material on record and the respondent having filed appeal there was no prejudice caused to him.

18. In **Maharana Pratap Singhs. The State of Bihar**⁸, the Hon'ble Supreme Court held as follows:-

“...14. The Single Judge further noted that the charges in the criminal proceedings against the appellant and the evidence presented by the prosecution to substantiate the same were largely identical to those in the departmental proceedings. Placing reliance on the decision in *G.M. Tank v. State of Gujarat & Anr.*²¹, the Single Judge concluded that charge no. 1 could not have been held to be proved by the disciplinary authority since the respondents 5, 4, and 2 failed to provide reasoning distinct from that of the relevant sessions judge who had acquitted the appellant of the charges. The Single Judge further observed that it was not open to the respondents to reopen charge no. 2 in subsequent departmental proceedings, as the matter had already been concluded in 1976 and the appellant visited with punishment. Regarding charges 3 and 4, the Single Judge found them self-explanatory, noting that the appellant's arrest on 8th August, 1988 and subsequent detention in the police lock-up prevented him from resuming his duties and notifying the CID, Headquarters, about his arrest.

...

17. The Division Bench, relying on a series of precedents and quoting therefrom extensively, observed that exercise of jurisdiction by the Single Judge evinced exercise of appellate jurisdiction over the decision of the departmental authorities, whereas judicial review of departmental orders should focus solely on the decision-making process and not on the merits or demerits of the findings. The Division Bench, relying on *Union of India v. P. Gunasekaran*²², held that the Single Judge's re- appreciation of evidence, which led to the conclusion of the appellant's innocence, was unsustainable

⁸Civil Appeal No.5497 of 2025

due to the lack of a justifiable basis for such an approach. It also emphasized that the strict rules of evidence do not apply to departmental proceedings, as declared in *T.N.C.S. Corporation Ltd. v. K. Meerabai*²³. The Division Bench further distinguished the decision in *Sawai Singh* (supra) relied on by the Single Judge, based on differing factual circumstances. It concluded that (2015) 2 SCC 610 (2006) 2 SCC 255 the charges against the appellant were specific, and the procedural requirements during the inquiry had been properly followed, with sufficient opportunities provided to the appellant.

18. The Division Bench also referred to several decisions of this Court regarding legal principles, including the admissibility of hearsay evidence in departmental proceedings, rules of natural justice, the right to cross-examine, opportunities to lead evidence, and the scope of natural justice in disciplinary proceedings. Also, upon reviewing the proceedings file maintained by the department²⁴, the Division Bench found the respondents' claims to be substantiated. It was concluded that there was no procedural error or breach of natural justice during the inquiry. Consequently, the Single Judge's interference with the order of dismissal was not warranted.

...

35. If there is a flaw from the inception of the disciplinary proceedings, i.e., the charge-sheet is not issued conforming to the relevant rules and the charged officer finds it difficult to meet the charges because it is vague, indefinite, not specific and lacking in material particulars, the charge-sheet itself becomes susceptible to vulnerability.

...

47. While an acquittal in a criminal case does not automatically entitle the accused to have an order of setting aside of his dismissal from public service following disciplinary proceedings, it is well-established that when the charges, evidence, witnesses, and circumstances in both the departmental inquiry and the criminal proceedings are identical or substantially similar, the situation assumes a different context. In such cases, upholding the findings in the disciplinary proceedings would be unjust, unfair, and oppressive. This is a

*position settled by the decision in G. M. Tank (supra), since reinforced by a decision of recent origin in Ram Lal v. State of Rajasthan*³¹.

48. To assess the degree of similarity between the charges, evidence, witnesses, and circumstances in the disciplinary and criminal proceedings, it is indeed crucial to review the materials placed before (2024) 1 SCC 175 the Court where such an issue arises. However, we regret, absence of the departmental file has disabled us from looking into the same.”

19. Judicial review under Article 226 of the Constitution is supervisory and not appellate. The Court cannot re-appreciate evidence or substitute its own conclusions where the enquiry has been conducted in accordance with law and the delinquent employee had full opportunity to defend himself. Interference was only permissible when the finding suffered from unreasonableness and no one could arrive at such a conclusion, relevant evidence is ignored or inadmissible material is relied upon or the enquiry violates statutory rules of natural justice or the punishment is so disproportionate that it shocks the judicial conscience.

20. Where the Enquiry Officer has considered the material on record, examined witnesses, supplied the enquiry report and the disciplinary authority applied its mind the High Court cannot sit in judgment over the sufficiency or weight of evidence. An admitted lapse especially in a disciplined force concerning arms and ammunitions is sufficient to justify disciplinary action. Once the misconduct is established on the preponderance of probability, the High Court cannot reassess testimony or rewrite the factual findings. Unless perversity, *mala fide* or procedural illegality is established, the High Court

must not differ with the disciplinary authority which is the best judge of facts and suitability of punishment.

21. The contours of judicial review under Article 226 of the Constitution must be reaffirmed at the outset. The Writ Court is not a Court of Appeal over disciplinary proceedings nor is it empowered to undertake a revaluation of evidence as if sitting in substitution of disciplinary authority. Where the delinquent officer has been afforded full opportunity of defence, the witnesses have been examined, document supplied and statutory rules adhered to, the Court's jurisdiction is circumscribed and narrow.
22. In the present case, the petitioner does not dispute the central fact forming the gravamen of the charge namely the failure to deposit one magazine and 15 live rounds within the stipulated time, a lapse signifying grave implications for a disciplined force entrusted with sensitive duties. Once this score of omission stands admitted and the Enquiry Officer has on the basis of evidence arrived at findings which are not shown to be impervious this Court cannot be invited to reassess credibility of witnesses or the probabilities afresh. The records revealed that the petitioner was served with a detailed charge memorandum, supplied with all relevant documents, permitted to cross-examine the witnesses and afforded full opportunity to present his case. The Enquiry Officer conducted the proceedings in accordance with the prescribed rules and thereafter furnished the enquiry report to the petitioner enabling him to submit a representation. Nothing had been brought forth to indicate that material evidence was withheld from consideration, that irrelevant materials were relied upon or that the inquiry

suffered from any procedural aberration amounting to violation of natural justice.

23. It was equally well-settled that in disciplinary matters the standard of proof was one of preponderance of probability and factual appreciation lied within the domain of the disciplinary authority. When the core facts were admitted, particularly a lapse relating to the handling of arms and ammunitions by a member of a disciplined force, the constitutional court must exercise restraint and refrain from substituting its own appreciation of evidence for that of the competent authority. Unless the findings were shown to be perverse, irrational or such that no reasonable person could have arrived at such a finding the Court cannot intervene. The constitutional duty of this Court is confined to ensure that the process adopted is fair, lawful and in consonance with the principles of natural justice.
24. In the instant case the procedural safeguards were satisfied. The mere fact that other personnel were not proceeded against cannot in absence of demonstrable perversity or *mala fide* invalidate the findings against the petitioner. The disciplinary authority is the best judge of the factual matrix and appropriateness of punishment, particularly within a disciplined organization. The High Court would overstep its supervisory role warranting to supplant its own assessment for that of the competent authority.
25. The penalty imposed cannot be said to shock the conscience of the Court, considering the nature of duties discharged and the seriousness of the lapse admitted. The punishment imposed has been assessed by the authority vested with the responsibility of maintaining discipline without any rational

nexus to the proved misconduct, the Court cannot dilute or restructure it in absence of disproportionality of the punishment *vis-à-vis* misconduct. The disciplinary authority has weighed the gravity of the admitted lapse and imposed the penalty upon due consideration and further confirmed by the Appellate Authority. In absence of demonstrable perversity, *mala fide* or procedural infraction, this Court being mindful of its constitutional obligations is compelled to confine itself within the boundaries of judicial review. Interference with the findings or the penalty would amount to traverse beyond the permissible limits under Article 226 of the Constitution and to encroach upon the domain reserved for the disciplinary authorities. Consequently the scope of interference being limited the Writ Court finds no warrant to upset the decision of the disciplinary and appellate authorities.

26. In view of the above discussions, the instant writ petition being WPA 30629 of 2014 is dismissed.

27. There is no order as to costs.

28. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)