

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****134****LPA-356-2025 (O&M)****DATE OF DECISION: 28.10.2025****SUKHJINDER PAL SINGH****... Appellant (s)****Versus****STATE OF PUNJAB AND OTHERS****... Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA****Present:** Mr. Rahul Arora, Advocate for the appellant.

Mr. A.S. Khara, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant has impugned the judgment of the Single Bench dated 11.11.2024 whereby the writ petition challenging his dismissal from service, has been dismissed.

2. Learned counsel for the appellant submits that the services of the appellant had been arbitrarily terminated even though the allegations against him could not be substantiated. He also submits that one Jagdeep Singh, who was a Salesman employed with the respondent-cooperative Society and against whom similar allegations had been levelled, was retained in service.

3. Heard.

4. The appellant, joined service as a Salesman with respondent no. 4- Abul Khurana Multipurpose Cooperative Agriculture Service Society Ltd. in 1997 and in 2004, he was promoted as Secretary. In 2017, the term of the managing committee of the Cooperative Society ended. As an interim measure, a four-member sub-committee was constituted by the order of the Assistant Registrar, authorising it to append signatures on the demand pronotes so as to make the necessary payments. Vide resolution dated 25.03.2022, the appellant was placed under suspension. Thereafter, he was issued chargesheet on 27.06.2022 wherein the following allegations were levelled:

- “A. By not showing income from the tractor and agricultural implements, to cause financial loss to the society by imposing the expenses of depreciation.
- B. To cause financial loss to the society by recording expenses of computer operator.
- C. Regarding not receiving the amount from the concerned beneficiaries under Health Insurance Scheme.
- D. Regarding recording salaries and other expenses by recording forged securities by the Secretary of Society.
- E. Issuance of Special audit regarding serious deficiencies by way of bad performance of Secretary of the Society.
- F. Non production of record being sought.”

The appellant submitted his detailed reply to the chargesheet on 11.07.2022. An inquiry committee was set up to inquire into the charges levelled. The appellant also participated in the enquiry. The inquiry report was submitted on 13.02.2023 and the charges levelled in the charge-sheet were proved against him. The managing committee accepted the inquiry report and took a preliminary decision to dismiss the appellant from service. However, it was also ordered that before passing such an order, the appellant be afforded an opportunity of hearing. Accordingly, he was afforded an opportunity of hearing and he submitted his reply. Thereafter, the management committee vide resolution dated 20.03.2023 resolved to dismiss the appellant from service.

5. The appellant filed an appeal against his dismissal, which was dismissed by the Deputy Registrar, Cooperative Societies, Sri Muktsar Sahib, vide order dated 18.12.2023. He, thereafter, also preferred a revision petition before the Joint Registrar, Cooperative Societies, Ferozepur, which has also been rejected by order dated 05.03.2024. The appellant preferred writ petition challenging the order of dismissal, and orders rejecting his appeal and revision preferred thereagainst. Before the learned Single Judge, it was submitted by the appellant that the impugned orders are non-speaking, have been passed in haste and that the appellant has been targeted as he was not on good terms with some of the members of the managing committee. Learned Single Judge after going through the record, held that the impugned orders were well reasoned and passed after considering the concerns raised by the appellant.

6. We are in the agreement with the judgment of the Single Bench that proper procedure had been followed in conducting the departmental inquiry and the appellant had been afforded adequate opportunity to present his defence. Learned counsel for the appellant has been unable to show that there was any patent error in the disciplinary proceedings or that principles of natural justice had been violated or that the authorities had allowed themselves to be influenced by irrelevant or extraneous considerations.

7. It is trite that the findings of the disciplinary authority should not be lightly interfered with by the High Court while exercising writ jurisdiction. The High Court ought not to sit as a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant. It is concerned only with determining whether the inquiry under question had been held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice were 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 writ Court to review the evidence and to arrive at an independent finding on the evidence. Reference can be made to the judgment of the Supreme Court in the case of **Union of India and another v. P. Gunasekaran, (2015) 2 SCC 610**, wherein the Supreme Court discussed the scope of interference of a Writ Court with the findings of the disciplinary authority. The relevant extract of the judgement is reproduced hereunder:-

*“13. 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, re-appreciating even the evidence before the enquiry officer. The finding on Charge no. 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 Article 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.*

Under Article 226/227 of the Constitution of India, the High Court shall not:

- (i). re-appreciate 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."*
(emphasis supplied)

7. Consequently, we do not find any merit in the Letters Patent Appeal, which stands dismissed.
8. Pending application(s), if any, stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

28.10.2025
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No