



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3191-2025 (O&M)

Date of Decision: 17th of February, 2025

RAGHUBIR SINGHPetitioner (s)

V/s.

UNION OF INDIA AND OTHERSRespondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Harbinder Singh Sandhu, Advocate
for the petitioner.

Mr. Pardeep Rawat, Senior Panel Counsel,
for the respondent-UOI.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner by way of this Writ Petition challenges the order dated 12.12.2024 passed by the Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as “the Tribunal) whereby the Tribunal has refused to entertain the OA assailing the charge-sheet issued to the petitioner just few days before he was due to retire.

2. The challenge before the Tribunal is against the charge-sheet having been issued after 17 years from the date of the project having been handed over to the successor. It is also submitted that a show cause notice was issued to the petitioner to which he submitted a reply and after four years and ten months of the said reply, a memorandum of charges has been issued to him on 19.12.2022, just when he was due to retire.

3. Learned counsel for the petitioner has submitted that a pick and choose method has been adopted for issuance of the charge-sheet while the preliminary enquiry conducted relating to construction of the building,

found fault of the officers and the lapse was specifically assigned to the Executives (GE & AGE), CE & CWE and the contractor, no charge-sheet was issued to them except to the Assistant Engineer, who had taken over the charge from the petitioner, and he was also left out with a warning.

4. Learned counsel for the appellant submits that selective charge-sheet could not have been issued and relied on the judgment of the Hon'ble Supreme Court in the case of **Man Singh** Vs **State of Haryana and Others**; AIR 2008 Supreme Court 2481. He also submits that the charge-sheet is highly belated and relies on the judgment in the **State of Madhya Pradesh** Vs. **Bani Singh and Another** ; AIR 1990 Supreme Court 1308 in support of his submissions.

5. We have considered the submissions of the learned counsel for the parties.

6. In **Union of India and others** Vs. **P. Gunasekaran**; 2015(2) SCC 61, the Hon'ble Supreme Court has held as under:-

“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 re-appreciation 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.”*

7. The aforesaid view has been reiterated by three Judges' bench in the case of **Central Industrial Security Force and Others** VS. **Abrar Ali**; 2017 (4) SCC 507.

8. We find that the scope of entertaining a Writ Petition assailing the enquiry proceedings is limited. At this stage, when the charge-sheet has been issued to the petitioner, it would not be appropriate for this Court to deal with the merits, even with regard to the question of delay as well as selective enquiry being conducted. It is always open to the petitioner to take up all these pleas in defence which would of course be examined reasonably by the concerned disciplinary authority. It would also looked into the aspects as to whether delinquency is said to be made out after the petitioner has attained superannuation.

9. We also find that the Tribunal had already directed the authorities to conduct the enquiry and conclude the same within three months, we therefore, do not find any reason to interfere with the impugned order passed by the Tribunal. Accordingly, this Writ Petition stands **dismissed.**

10. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

February 17, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>