



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

107+232

**CWP-2487-2024 (O&M)****Date of Decision: 02.12.2025**

UNION OF INDIA AND OTHERS

...Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ANOTHER

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Vipul Aggarwal, Senior Panel Counsel,  
for the petitioners.

Mr. K.B. Sharma, Advocate,  
for respondent No.2.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

1. In the present petition, the challenge is to the impugned order dated 09.05.2023 (Annexure P-1) passed by respondent No.1-Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'Tribunal'), by which the Original Application filed by respondent No.2 stands allowed, on the ground that the same is perverse.

2. Learned counsel for the petitioners submits that the petitioners are only aggrieved against the order passed by the Tribunal, wherein it has been mentioned that a detailed enquiry needs to be conducted before imposing the punishment even if the punishment sought to be impugned is minor. Learned counsel for the petitioners argues that for imposing the minor penalty, as per Rule 16 of Central Civil Services (Classification, Control & Appeal) Rules, 1965 (hereinafter referred to as 'CCS



(CCA)Rules, 1965'), only a show cause notice is to be given and after considering the reply/representation so filed, appropriate speaking order is to be passed whether the punishment is to be imposed or not. Whereas, the Tribunal has gone on the fact that once, respondent No.2 has denied the allegation alleged against him, even for the imposition of a minor penalty of recovery, a detailed enquiry has to be conducted, is incorrect and the said direction is contrary to the CCS (CCA) Rules, 1965.

3. The learned counsel appearing on behalf of respondent No.2-Ved Prakash submits that even for imposing the minor penalty, the process has not been followed as the order so passed was totally cryptic and non-speaking and does not give the detail as to how or on what basis, the punishment has been imposed upon respondent No.2. The learned counsel submits that once the charges were denied by delinquent employee, while passing an order still the competent authority was required to pass a speaking order as to what weighed in the mind of the authority so as to prove the said allegation in order to impose the punishment as per principles of natural justice, which process was not undertaken and the Tribunal has rightly set aside the order of punishment.

4. We have heard the learned counsel for the parties and have gone through the record of the case with their able assistance.

5. There is a different procedure envisaged for imposing a major punishment and a minor punishment. For imposing a major punishment, the process is that a charge-sheet is to be issued and in case of denial of the allegations by the charged officer, the Enquiry Officer is to be appointed to



prove the said allegation before any further action could be taken. Whereas for imposing the minor punishment, a show cause notice is to be given seeking the reply of the concerned official and thereafter, an order is to be passed keeping in mind the allegations alleged and the defence taken against the said allegation by the delinquent employee. While passing such an order, the defence taken by delinquent employee has to be taken into consideration so as to arrive at a conclusion whether the allegations are true or not so as to impose punishment or not.

6. In the present case, the punishment imposed was recovery of the loss caused by fraud in 07 passbooks. The recovery of Rs.75,000/- from pay allowances of respondent No.2, as agreed between the parties is a minor punishment (Annexure P-3) for which no detailed enquiry is required to be undertaken. The same can be done after issuance of a show cause notice and seeking the reply of the official concerned so as to pass appropriate order thereafter under Rule 16 of CCS (CCA) Rules, 1965. The order passed by the Tribunal to the extent that a detailed inquiry needs to be conducted is incorrect and is perverse to the Rule 16 of CCS (CCA) Rules, 1965, governing the service and cannot be upheld.

7. This court has also a glance on the impugned order passed by the disciplinary authority, the same is totally non-speaking as no reason has been given which led to the imposition of punishment. Once an authority has been given jurisdiction to decide upon the allegation, the said authority has to record the reason as to what conduct of the delinquent employee led to the proving of the allegations alleged against such official. In the present case, no such findings have been recorded and therefore, the order of punishment



has rightly been set aside by the Tribunal though giving liberty to the petitioners to pass a fresh order in accordance with law.

8. Hence, though the order of punishment passed by the authority has rightly been set aside, keeping the liberty given, the petitioners will be within its jurisdiction to pass a fresh order in accordance with law on the allegations already alleged against respondent No.2 by keeping in mind defences raised by the respondent-employee.

7. Accordingly, the writ petition is disposed of.

8. Pending application(s), if any, stands disposed of.

( HARSIMRAN SINGH SETHI )  
JUDGE

December 02, 2025  
*harish*

( VIKAS SURI )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |