



**234-3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-11194-2023

Date of decision: 26.11.2025

Karambir Singh

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Ashutosh Kaushik, Advocate
for the petitioner (through V.C.).

Mr. Piyush Khanna, Addl.A.G., Haryana.

Mr. Padamkant Dwivedi, Advocate and
Ms. Ayushi, Advocate
for respondents No.2 & 3.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 16.03.2023 (Annexure P-7) as well as order dated 31.01.2022 (Annexure P-4).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was charge sheeted on the allegations of less moisture gain and the controversy involved in this regard has been settled by this Court in **CWP No.26704 of 2015** titled as '*Ram Sawrup Vs. State of Haryana and others*' decided on 10.07.2019 and this Court has categorically held that although the issue of less moisture gain has attained finality in terms of the Division Bench judgment of this Court in LPA No.1272 of 2015, however, different Boards and Corporations, such as, respondent-Corporation herein kept on issuing charge sheets to the employees without there being any provision of law in their Rules



governing the service liable for recovery on account of less gain under their supervision. As such, the impugned charge sheet and subsequent proceedings are in the teeth of the ratio of law as laid down by this Court in ***Ram Sawrup (supra)***.

3. *Per contra*, learned counsel for the respondents submits that the scope of judicial review in disciplinary proceedings is very narrow. He places heavy reliance on the judgment of the Hon'ble Supreme Court in ***Union of India vs. P. Gunasekaran, (2015) 2 SCC 610***, to contend that this Court cannot act as an appellate authority to re-appreciate evidence. He further submits that the enquiry was conducted by a competent authority in accordance with the prescribed procedure, without any violation of the principles of natural justice, and as the finding of fact is based on some evidence, this Court ought not to interfere.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. The foundational charge against the petitioner pertains to causing a financial loss to the respondent-Corporation on account of "less storage gain in wheat." The defence of the respondents is predicated entirely on the procedural sanctity of the enquiry proceedings.

6. However, a coordinate Bench of this Court in ***Ram Sawrup (supra)***, has authoritatively settled the legal position on this very issue. This Court categorically held that in the absence of any specific rule in the service regulations of the Corporation that creates a liability for recovery on account of "less moisture gain," the initiation of disciplinary proceedings on this charge is itself impermissible. The very basis of the charge against the petitioner,



therefore, stands on a legally untenable foundation.

7. The reliance placed by the learned counsel for the respondents on *P. Gunasekaran (supra)*, though trite in its principles, is misplaced in the facts and circumstances of the present case. The limitations on judicial review outlined in the said judgment operate where the enquiry is concerning a legally sustainable charge of misconduct. The ratio of *P. Gunasekaran (supra)* cannot be invoked to sustain a disciplinary action that is founded on a charge which has been held to be legally *non-est* by a binding judgment of this Court. When the charge itself is not recognized in law, the question of evaluating the adequacy or reliability of the evidence led to prove it becomes irrelevant.

8. In the present case, the impugned conclusion, on its very face, is based on a charge that is not sustainable in law. A finding of fact that proceeds on an impermissible charge is wholly arbitrary and capricious, such that no reasonable person could have arrived at it.

9. In view of the discussion above, the present writ petition is allowed and consequently, the impugned orders dated 16.03.2023 (Annexure P-7) and 31.01.2022 (Annexure P-4) are hereby set aside. The respondent-Corporation is directed to forthwith cease any recovery from the petitioner pursuant to the impugned orders and to refund the amount already recovered from him in this regard along with an interest @ 6% per annum from the date of recovery till its actual realization, within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

26.11.2025

<i>Neha</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No