



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

**CWP No. 12831-2025(O&M)
Date of Decision:19.09.2025**

Vijay Singh

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S.Gopera, Advocate
for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 27.03.2024 (Annexure P-1), 03.07.2027 (Annexure P-2) and 04.09.2024 (Annexure P-3) whereby punishment of stoppage of his two future increments with permanent effect has been imposed.

2. The petitioner is part of Haryana Police Force. At present, he is holding rank of Head Constable. On the complaint of one lady namely Sapna wife of Hemu an FIR No.239/2022, under Sections 323, 324, 34 IPC was registered at Police Station Farrukhnagar, Gurugram. Investigating Officer prepared his report and submitted before trial Court. The complainant-Sapna submitted a complaint dated 24.06.2023 against Joginder and the same was



inquired by petitioner. She submitted another complaint dated 04.07.2023 against petitioner. The matter came to be inquired by SHO, Farrukhnagar, Gurugram. He submitted his report to DCP, Gurugram. In the inquiry, it was found that petitioner used to send messages and make whatsapp call to Sapna at odd hours. A departmental inquiry was conducted wherein petitioner was found guilty. He was issued show cause notice whereby punishment of stoppage of three annual increments was proposed. The petitioner filed reply to show cause notice and disciplinary authority awarded him punishment of stoppage of two future increments with permanent effect. He preferred appeal before Commissioner of Police. The appellate authority dismissed his appeal vide order dated 03.07.2024. He preferred revision which came to be dismissed by DGP vide order dated 04.09.2024.

3. Learned counsel for the petitioner submits that complainant was examined by Inquiry Officer. She before the Inquiry Officer stated that she does not want to pursue her complaint. She also stated that she does not want any action against the petitioner.

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

5. Scope of interference while exercising jurisdiction under Articles 226/227 of the Constitution of India in disciplinary proceedings is very limited. The Court has no power to look into quantum of sentence/punishment unless and until Court finds that sentence awarded is disproportionate to alleged offence. It is further settled proposition of law that High Court while exercising its jurisdiction under Article 226 of



Constitution of India can look into the procedure followed by authorities. In case, it is found that enquiry officer or disciplinary authority has not considered any evidence on record or misread the evidence or procedure as prescribed by law has not been followed, the Court can interfere. A two-judge Bench of Hon'ble Supreme Court in **Union of India and others vs. Subrata Nath, 2022 SCC OnLine SC 1617** while advertng to scope of interference under Article 226 of the Constitution of India in disciplinary proceedings has held that departmental authorities are fact finding authorities. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has the discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct.

6. A Constitution Bench in **Syed Yakoob Vs K.S. Radhakrishnan, AIR 1964 SC 477** and a two judge bench of the Hon'ble Supreme Court recently in **Central Council for Research in Ayurvedic Sciences and another Vs Bikartan Das and others 2023 SCC Online SC 996** have reminded us that there are two cardinal principles of law governing issuance of writ of certiorari under Article 226 of the Constitution of India i.e. (i) High Court does not exercise the powers of Appellate Tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The writ of certiorari can be issued if an error of law is apparent on the face of the record; (ii) in a given case, even if some action or order challenged in the



writ petition is found to be illegal and invalid, the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties. It is perfectly open for the writ court, exercising this flexible power to pass such orders as public interest dictates & equity projects. The High Court would be failing in its duty if it does not notice equitable consideration and mould the final order in exercise of its extraordinary jurisdiction. Any other approach would render the High Court a normal court of appeal which it is not.

7. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals. Error of jurisdiction includes order by inferior court or tribunal without jurisdiction or in excess of it or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the



Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, High Court must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 of the Constitution to issue a writ of certiorari can be legitimately exercised.

8. In the instant case, the authorities have duly followed prescribed procedure. There is proper appreciation of evidence on record. The petitioner was found guilty of charge framed against him. It was proved that petitioner sent messages and made whatsapp call at odd hours. The complainant did not concede that she had filed a false report. She simply stated that she does not want to pursue. It does not absolve petitioner from his ill deeds. In these facts and circumstances, this Court does not find it appropriate either to interfere with findings of authorities or look into quantum of punishment awarded to him.



9. In the backdrop, this Court is of the considered opinion that the present petition being bereft of merit deserves to be dismissed and accordingly hereby dismissed.
10. Pending Misc. application(s), if any, shall stand disposed of.

19.09.2025
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	