



**255-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-16146-2021

Date of decision: 13.11.2025

Kuldeep Verma

....Petitioner

Versus

Punjab State Power Corporation Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Mohit Garg, Advocate
for the petitioner.Mr. Sehajbir Singh, Advocate
for the respondent-PSPCL.**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 of order dated 25.04.2019 (Annexure P-3), whereby, the petitioner has been held guilty of charges levelled against him and it has been ordered to stop two annual increments with cumulative effect, order dated 19.08.2019 (Annexure P-4), whereby, it has been directed to impose cut of 10% permanently from the pension of the petitioner and order dated 20.04.2021 (Annexure P-6).

2. The learned counsel for the petitioner *inter alia* contends that the petitioner was working as an Additional Superintending Engineer in the Distribution Division, Fazilka, from 11.11.2013 to 14.05.2015 and retired on 31.11.2019. The petitioner has an unblemished career except for the charge sheet No.395/D-1-10735/E-1 dated 31.12.2015, issued in relation to the



Distribution Division, Guru Har Sahai under Division, Jalalabad (West). The petitioner has submitted his reply but the punishing authority vide order dated 25.04.2019 (Annexure P-3) imposed a punishment of stoppage of two increments with cumulative effect without affording any personal hearing to the petitioner. Thereafter, the Appellate Authority, vide revised order dated 19.08.2019 (Annexure P-4), without application of mind, imposed a punishment of 10% cut for perpetuity in pension of the petitioner.

3. He further submits that the punishment imposed upon the petitioner is not proportional to the misconduct alleged against him and his case is squarely covered by the judgment rendered by the Division Bench of this Court passed in CWP No.568 of 2013 titled as 'Jagdish Mitter Vs. Central Administrative Tribunal and others' decided on 19.05.2014, wherein, it has been held that 10% cut in perpetuity in pension is not sustainable. He further submits that the Punishing Authority in the absence of any statutory mandate cannot review its own order of punishment by imposing more stringent punishment which has not initially awarded.

4. Learned counsel for the respondent-PSPCL submits that the disciplinary proceedings were conducted in accordance with the relevant rules and procedures including issuance of the charge sheet. He further submits that an opportunity was also given to the petitioner to file reply and justified the imposition of punishment of stoppage of two annual increments with cumulative effect as well as 10% cut for perpetuity in pension of the petitioner.

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

6. Tritely, a High Court cannot sit in appeal with respect to the



decision arrived in pursuance of disciplinary proceedings. As such, this Court must confine itself to ensuring that the findings rendered are justified by the material available on record, that the proceedings were conducted in compliance with the prescribed procedure as well as the principles of natural justice and that the penalty imposed is proportional to the misconduct. Interference is permissible only in exceptional circumstances, such as when the enquiry is conducted by an incompetent authority or in violation of prescribed procedure or principles of natural justice and grounds related to fundamental rationality of the decision, and not as a forum to re-examine the merits of the case.

Reliance in this regard may be made on the judgements rendered by the Hon'ble Apex Court *Union of India vs. P. Gunasekaran*, (2015) 2 SCC 610, *B.C. Chaturvedi vs. Union of India*, (1995) 6 SCC 749 and *Indian Oil Corpn. Ltd. vs. Ashok Kumar Arora*, (1997) 3 SCC 72.

7. Upon a bare perusal of the records, it transpires that the Punishing authority unilaterally reviewed its order dated 25.04.2019 imposing upon the petitioner for stoppage of two annual increments with cumulative effect is proportionate to the alleged misconduct and vide order dated 19.08.2019 enhanced the punishment by imposing 10% cut in pension in perpetuity.

8. A Three Judge Bench of the Hon'ble Supreme Court in *Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji* 1971(3) SCC 844 while speaking through Justice K.S. Hegde observed that,

“4. The first question that we have to consider is whether Mr. Mankodi had competence to quash the order made by the Saurashtra Government on October 22, 1956. It must be remembered that Mr. Mankodi was functioning as the delegate of the State Government. The order passed by Mr. Mankodi, in law amounted to a review of the order made by



*Saurashtra Government. **It is well settled that the power to review is not an inherent power. It must be conferred by law either specifically or by necessary implication. No provision in the Act was brought to our notice from which it could be gathered that the Government had power to review its own order.** If the Government had no power to review its own order, it is obvious that its delegate could not have reviewed its order. The question whether the Government's order is correct or valid in law does not arise for consideration in these proceedings so long as that order is not set aside or declared void by a competent authority. Hence the same cannot be ignored. The Subordinate Tribunals have to carry out that order. For this reason alone the order of Mr. Mankodi was liable to be set aside.”*

9. Further reliance may be placed on the judgement of a Two Judge Bench of the Hon’ble Supreme Court in ***Dr. Smt. Kuntesh Gupta v. Management of Hindu Kanya Mahavidyalaya, Sitapur 1987(4) SCC 525*** while speaking through Justice M.M Dutt observed the following,

*“11. **It is now well established that a quasi judicial authority cannot review its own order, unless the power of review is expressly conferred on it by the statute under which it derives its jurisdiction.** The Vice-Chancellor in considering the question of approval of an order of 362 dismissal of the Principal, acts as a quasi judicial authority. It is not disputed that the provisions of the U.P. State Universities Act, 1973 or of the Statutes of the University do not confer any power of review on the Vice- Chancellor. In the circumstances, it must be held that the Vice-Chancellor acted wholly without jurisdiction in reviewing her order dated January 24, 1987 by her order dated March 7, 1987. The said order of the Vice-Chancellor dated March 7, 1987 was a nullity.”*

10. A Two Judge Bench of the Hon’ble Apex Court in ***Kalabharati Advertising v. Hemant Vimalnath Narichania 2010 (9) SCC 437*** while speaking through Justice B.S Chauhan made the following observation,

*“12. It is settled legal proposition that **unless the statute/rules so permit, the review application is not maintainable in case of judicial/quasi-judicial orders. In absence of any provision in the Act granting an express power of review, it is manifest that a review could not be made and the order in review, if passed is ultra-vires, illegal and without jurisdiction.** (vide: *Patel Chunibhai Dajibha v. Narayanrao Khanderao Jambekar & Anr.*, AIR 1965 Supreme Court 1457; and *Harbhajan Singh v. Karam Singh & Ors.*, AIR 1966 Supreme Court 641).*



13. In *Patel Narshi Thakershi & Ors. v. Shri Pradyuman Singhji Arjunsinghji*, AIR 1970 Supreme Court 1273; *Maj. Chandra Bhan Singh v. Latafat Ullah Khan & Ors.*, AIR 1978 Supreme Court 1814; *Dr. Smt. Kuntesh Gupta v. Management of Hindu Kanya Mahavidhyalaya, Sitapur (U.P.) & Ors.*, AIR 1987 Supreme Court 2186; *State of Orissa & Ors. v. Commissioner of Land Records and Settlement, Cuttack & Ors.*, (1998) 7 SCC 162; and *Sunita Jain v. Pawan Kumar Jain & Ors.*, 2008(1) RCR (Criminal) 954 : 2008(1) R.A.J. 563 : (2008) 2 SCC 705, this Court held that the **power to review is not an inherent power. It must be conferred by law either expressly/specifically or by necessary implication and in absence of any provision in the Act/Rules, review of an earlier order is impermissible as review is a creation of statute.** Jurisdiction of review can be derived only from the statute and thus, any order of review in absence of any statutory provision for the same is nullity being without jurisdiction.”

11. The moment a right to decide is exercised, the authority becomes *functus officio*, except for the matter of grave clerical errors or mistakes committed by the authority, for which it is responsible. The only exception to this principle is the inherent power to correct grave clerical or arithmetical errors that are apparent on the face of the record and for which the authority itself is responsible. Consequently, a review order passed without the backing of a statutory mandate is a legal nullity and cannot affect the validity of the original order.

12. In view of the aforesaid discussion, the present civil writ petition is disposed of only to the extent of setting aside the order dated 19.08.2019 (Annexure P-4), and reinstating the order dated 25.04.2019 (Annexure P-3) in force.

13. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

13.11.2025

Neha

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