



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

LPA No.1481 of 2025 (O&M)

Date of Decision: 19.05.2025

Deepak Khator

...Appellant

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. B.S. Rathee, Advocate,
for the appellant (*Joined through Video-Conferencing*).

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SANJEEV PRAKASH SHARMA J.(Oral)

The order passed by the learned Single Judge dated 22.04.2025 is challenged by the aggrieved writ-petitioner by preferring this appeal.

2. Learned counsel for the appellant submits that the appellant being the Chief Accounts Officer with the Shahabad Co-operative Sugar Mills Limited, could not have been charge-sheeted by the Managing Director as his appointment was made by the Board of Directors and hence, the Appointing Authority not being the Managing Director, had no locus standi to issue a charge-sheet to the appellant. He further submits that the learned Single Judge has erred in upholding the issuance of charge-sheet as authority of Managing Director.

3. Learned counsel for the appellant has invited our attention to Rule 26 of the Service Rules to submit that the Managing Director/



Competent Authority are the concerned officers as the case may be to initiate the charge-sheet since the Managing Director is not the Appointing Authority for the appointment and the Competent Authority would be the Board of Directors who could have initiated the charge-sheet.

4. We have carefully considered the submissions. We find that before the learned Single Judge the case was argued by the writ-petitioner but after taken into consideration the law as held by Hon'ble Supreme Court in ***“State of Jharkhand vs. Rukma Kesh Mishra”, 2025 SCC OnLine SC 676***, the learned Single Judge has dismissed the petition preferred by the writ-petitioner. In ***State of Jharkhand (supra)*** two Judges Bench of Hon'ble the Supreme Court distinguished the case of ***Union of India and others vs. B.V. Gopinath, (2014) 1 SCC 351*** and ***“State of Tamil Nadu vs. Promod Kumar, IPS and another”, (2018) 17 SCC 677*** and held that the same are not to be mechanically followed. Be that as it may be, we being not as on the said issue and would examine the challenge in terms of the Service Rules for the Employees of the Co-operative Sugar Mill in the State of Haryana as laid down under the Haryana Co-operative Societies Act, 1984. The appellant admits that his services are governed by the said Service Rules which he has placed on record as Annexure P-31 at page 258-A. In the definition Clause, the word “Appointment Authority” and “Competent Authority” have been defined to read as under :-

“r) “Appointment Authority” means the Authority in which of a particular category vests.

s) “Competent Authority” means the Authority in which the powers by the appointing authority have been



delegated for accomplishment of certain purposes.”

Thus, it is apparent that the Competent Authority means the Authority to which the powers are delegated by the Appointing Authority for accomplishing for certain purposes which may be relating to disciplinary issues. Rule 26 of the Service Rules lays down the method and merit to which enquiry into misconduct is to be conducted and it would be apposite to quote Rule 26 of the Service Rules which reads as under:-

“26. Enquiry into misconduct:

If any report or complaint verbal or written is received and if disclosed on the fact of it that the accusation made against an employee constitute a major misconduct and disciplinary action is contemplated, the employee shall be given a charge-sheet in writing. The employee so charge-sheeted shall be given at least 48 hours to enable to him to prepare and submit his explanation. The employee may at the discretion of the Managing Director, be granted extension of time for submission of the explanation, if the employee refused to accept the charge-sheet, it shall be sent to him by registered post and simultaneously displayed on the Notice Board. The charge sheet so served will contain the statement of charge or charge setting out the alleged misconduct and also may contain suspension from duty. Where the employee who has been served with a charge sheet has denied or controverted the charges levelled against him, his explanation shall be considered. In case the Managing Director/Competent Authority is satisfied with the explanation submitted by the employee he shall be absolved of all the charge. Otherwise, the employee will be issued an enquiry notice containing the name of the Enquiry Officer, date, time and



place where the enquiry shall be held. The enquiry will be conducted by the Managing Director/Competent Authority. The Enquiry Officer will hold enquiry proceedings and employee will be given full and fair opportunity to defend himself or to present his case. In case, the employee fails to participate or present himself in the enquiry proceedings, the Enquiry Officer will be within his right to proceed ex-parte in the absence of the employee. The Enquiry Officer after recording the evidence will submit his findings to the Managing Director. The Managing Director/Competent Authority will consider the examine all the records of the Enquiry will pass an order either of punishment or of withdrawing the charges as the case may be. The order of punishment shall be communicated to the concerned employee.”

5. From the perusal of the above, it is apparent that normally the Managing Director would issue the charge-sheet unless the Competent Authority has been delegated the said powers by the Appointing Authority. In the present case, it is the Managing Director who has issued the charge-sheet and he, therefore, has the discretion to ask the concerned charge-sheeted delinquent employee to file his reply and explanation within 48 hours and he may also grant extension of time for the said purpose. The Rule, thus, unambiguously gives the power to the Managing Director/Competent Authority to conduct the enquiry. In view thereto, there is no reason to differ from the order passed by the learned Single Judge and the charge-sheet served to the writ-petitioner is found to be issued by the Competent Authority in law, i.e the Managing Director in terms of Rule 26 of the Service Rules.



6. With the afore-said observations, the appeal in hand is dismissed.
7. Pending misc application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

May 19, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*