



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

204

CWP-18283-2015

Date of Decision: 25.08.2025

K.C.Singla

....Petitioner

Versus

Union of India and others

....Respondents

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

Present: Mr. Sushil Saini, Advocate for the petitioner.

Mr. Rakesh Verma, Advocate for respondents No.1 to 4.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 15.09.2014 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, (for short 'the Tribunal') by which, the punishment of stoppage of one increment without cumulative effect, imposed upon the petitioner vide order dated 16.09.2010 has been upheld.

2. Learned counsel for the petitioner argues that in the present petition, the disciplinary proceedings were initiated against the petitioner and the Enquiry Officer vide enquiry report dated 24.04.2007 exonerated him of the allegations alleged against him but the punishing authority disagreed with the said view of Enquiry Officer and issued him a show cause notice along with the disagreement note and passed an order imposing the punishment of stoppage of one increment without cumulative effect.

3. Learned counsel for the petitioner further submits that against the



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said order of punishment, the petitioner filed an appeal and the appellate authority, agreeing with the petitioner herein ordered the *de novo* inquiry from the stage of appointment of Enquiry Officer and Presenting Officer vide order dated 23.10.2007 and after *de novo* enquiry, the same punishment was inflicted again of stoppage of one increment without cumulative effect, which is arbitrary in nature.

4. Learned counsel for the petitioner argues that *de novo* inquiry could not have been ordered by the respondent and therefore, the order passed by the appellate authority giving direction to conduct *de novo* enquiry is arbitrary in nature, which fact has not been appreciated by the Tribunal in the correct perspective while dismissing the claim of the petitioner hence, the impugned order dated 15.09.2014 passed by the Tribunal may kindly be set aside.

5. Learned counsel appearing on behalf of respondents No.1 to 4 submits that as per the Rules governing over the service, the punishing authority has a right to disagree with the report of the Enquiry Officer and in such a situation the delinquent is only to be served with a show cause notice along with disagreement note, which was done in the case of the petitioner, and thereafter the punishment of stoppage of one increment without cumulative effect was imposed upon him, which was not to the liking of the petitioner and in an appeal preferred against the said order, a fresh inquiry was ordered to be conducted, which was again conducted and the same punishment of stoppage of one increment without cumulative effect was imposed, which is perfectly valid.

6. We have heard the learned counsel for the parties and have gone



through the record with their able assistance.

7. It may be noticed that the petitioner has already retired from service as of now hence, the present order is being passed keeping in view the said fact in mind.

8. Though, a *de novo* inquiry could not have been ordered by the appellate authority starting from the appointment of a new Enquiry Officer but, the punishing authority is within its jurisdiction to disagree with the decision of the Enquiry Officer and record reasons in writing for disagreement to such view, which is to be supplied to the delinquent officer so as to grant him an opportunity of hearing so as to facilitate passing of an appropriate order under the disciplinary proceedings, which process was followed while imposing the punishment of stoppage of one increment with cumulative effect.

9. Further, even after conducting of the *de novo* inquiry, the same punishment had been imposed. Hence, once the process envisaged in the first instance was in accordance with law, merely that *de novo* inquiry was held subsequently in which even the same punishment was imposed, the said decision reached at by the authority concerned, needs no interference at the hands of this Court.

10. Further, even if the *de novo* inquiry initiated against the petitioner is to be set aside, the petitioner who has retired, will face the departmental proceedings from the stage of passing of a fresh order by the punishing authority which would cause more prejudice to him at this stage, rather than being granted the relief.

11. Keeping in view the totality of the facts and circumstances of the present case, no ground is made out for any interference by this Court in the



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facts and circumstances of the present case.

12. Accordingly, the writ petition is dismissed.
13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 25, 2025
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No