



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CWP-17879-2025 (O&M)

Date of decision: 03.07.2025

Chitranshu Singh

...Petitioner

VERSUS

Nuclear Power Corporation of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sahil Goel, Advocate for the petitioner(s)
(through V.C.).

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order of dismissal of appeal dated 14.12.2024 passed by respondent No.2–Appellate Authority of the Nuclear Power Corporation of India as well as to the penalty imposed on the petitioner by the Disciplinary Authority vide order dated 29.08.2024.

2. The facts in brief are to the effect that the petitioner is working as Deputy Manager (F&A) and is presently posted at Gorakhpur Anu Vidyut Pariyojana, Fatehabad, in the Finance and Accounts Section. He submits that the petitioner was served with an office memorandum dated 02.08.2021, whereby the respondents proposed to hold an enquiry against him for unauthorized absence from duty. An Enquiry Officer was appointed to enquire into the charges levelled against the petitioner. A departmental enquiry was thereafter initiated against the petitioner vide order dated 18.05.2023, pertaining to his continuous and recurring unauthorized absence from duty for the period(s) tabulated as under:-



“

1.	28.06.2018 to 09.12.2018	165 days
2.	24.03.2019 to 14.04.2019	22 days
3.	01.05.2019 to 28.07.2019	89 days
4.	05.12.2020 to 30.01.2021	57 days

”

3. The enquiry was conducted and the enquiry report dated 13.05.2024 was furnished by the Enquiry Officer. The conclusions drawn by the Enquiry Officer are extracted as under:-

“After detailed inquiry proceedings with the Prosecution Witnesses and considering the Prosecution Documents, it is to conclude that;

a) Based on the findings at Clause (8.1), in the capacity of Inquiry Authority (IA) in the case above Charges levied against him vide Article 1 of the Memorandum of Charges violating the provision of Rules 7.1(b)-Maintain devotion to duty & 7.1(c)-Do nothing which is unbecoming of a Public Servant as per HQI-1611-RO (Conduct) Rules 1994 of the NPCIL are not proved.

b) Charges for violating the rules as NPCIL (Conduct) Rules 1994 [HQI-1611-RO]

12.1. No employee shall absent himself/herself from duty or overstay the leave already sanctioned without having obtained the permission of the authority empowered to



grant him/her leave or without having intimated such authority.

12.2. No employee shall leave the station where he/she is posted without obtaining previous permission of the authority empowered to grant him/her leave. Based on the rule definition, the leave sanctioning authority permission shall be obtained from for the over stayed period.

CO has responded to the communications as mentioned in the findings at Clause No: 8.2a, 8.2b & 8.2d.

However based on the findings at Clause no 8 2c, CO has not established any proper evidences that he had given any intimation or taken permission to/from the authority regarding the overstay.

Hence, the violation of the rules 12.1 & 12.2 as per conduct rules of [HQI-1611-R0] 1994 is proved."

4. The petitioner was thereafter served with a show cause notice along with a copy of the enquiry report on 07.06.2024, to which a reply dated 09.07.2024 was duly furnished. Upon consideration of the entire record, a punishment of "Reduction to a lower stage of the scale of pay" was imposed upon the petitioner vide order dated 29.08.2024 (Annexure P-7), under the CCS (Revised Pay) Rules, 2016, for a period of three years, and the following directions were issued:—

“(a) *That during the period of such reduction, he shall not*



earn increment of pay.

(b) On expiry of the period of reduction, it shall have the effect of postponing future increments of pay, with immediate effect upon Shri Chitranshu Singh, Dy. Manager (F&A), Employee No.1426698, NPCIL, GHAVP.

It is further ordered that the period of unauthorized absence of Shri Chitranshu Singh shall be treated as 'dies-non' for all purposes."

5. Appeal preferred by the petitioner against the said order was dismissed vide order dated 14.12.2024, thus giving rise to the instant writ petition.

6. Learned counsel contends that the respondent authorities have failed to take into consideration the personal circumstances under which the petitioner was unable to resume duties. He further submits that the petitioner has had an unblemished career, and there have been no complaints with respect to his work, conduct, or integrity during his tenure. Hence, a sympathetic view needs to be taken.

7. I have heard the learned counsel appearing on behalf of the petitioner at length and have gone through the documents appended with the instant petition, with his able assistance.

8. It is evident from a perusal of the enquiry report that the charges against the petitioner were returned as proved, since the petitioner failed to lead any evidence in support of the defence, which he is now seeking to argue again before this Court. Although the petitioner contends



that his father was unwell and eventually passed away, no specific sequence of dates and events has been furnished. Furthermore, no document in support of the illness or any material specifying the exact period of treatment corresponding to the period of such absence, has been placed on record before this Court. Hence, the argument remains nothing more than an uncorroborated self serving statement. In any case, once departmental proceedings had been initiated, the petitioner had every opportunity to lead evidence and to establish his defence. Having failed to do so, the petitioner cannot now be permitted to again submit a defence of fact, at the stage of judicial review, without any unimpeachable evidence. The absence of the petitioner for various durations totaling 333 days (nearly 11 months) between the years 2018 to 2021 stands fully established. In the absence of any satisfactory explanation for the same, it cannot be held that the order of punishment imposed upon the petitioner by the disciplinary authority was in any manner disproportionate or unduly harsh. The petitioner, being an employee of the Nuclear Power Corporation of India, which undertakes projects of national importance, cannot be expected to discharge his functions in a casual manner or to remain absent without authorisation and without explaining the circumstances that compelled such prolonged absence.

9. Even in appeal, the Appellate Authority has duly considered all the arguments advanced by the petitioner and it specifically recorded that no evidence was led by the petitioner to substantiate his defence and that he also failed to produce any material to show that his leave had ever been



sanctioned or that he was permitted by the competent authority or that the period of absence was regularised at any subsequent stage.

10. The position in law is well settled that in matters concerning disciplinary proceedings, the order passed by the departmental authority would not ordinarily be interfered with unless such order suffers from any illegality, perversity or procedural impropriety or where the punishment imposed is found to be disproportionately harsh against the proven charge. The petitioner remained absent for a period of 165 days between June 2018 and December 2018, followed by an unauthorized absence of 22 days between March 2019 and April 2019. He further absented himself for a period of 89 days from May 2019 to July 2019, and again for 57 days from December 2020 till January 2021 totaling to 333 days. These instances of absence are recurring and continuous in nature and no satisfactory explanation or reasons have been furnished which would justify such conduct.

11. Under the given circumstances, finding that there is no illegality, perversity, impropriety or disproportionate punishment imposed upon the petitioner, **the instant writ petition is *dismissed in limine*.**

(VINOD S. BHARDWAJ)
JUDGE

03.07.2025

Mangal Singh

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