



**103+255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM-14384-CWP-2025 in/and
CWP-22435-2021 (O&M)
Date of decision: 13.11.2025

Narinder Paul Sharma

....Petitioner

Versus

Punjab State Power Corporation Ltd and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Puneet Jindal, Senior Advocate with
Mr. Puneet Bhushan, Advocate
for the petitioner (in CWP-22435-2021).

Mr. Japsehaj Singh, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

CM-14384-CWP-2025

The present application has been filed under Section 151 CPC for placing on record letter dated 29.07.2016 given by the petitioner to Joint Secretary/Technical-1, Patiala regarding verification of signatures of petitioner from forensic sciences lab (Annexure P-13).

In view of the averments made in the application, the same is allowed and letter dated 29.07.2016 regarding verification of signatures of petitioner from forensic sciences lab as Annexure P-13 is taken on record.

CWP-22435-2021 (O&M)

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 setting aside the order dated 25.04.2019 (Annexure P-7) imposing



major penalty of stoppage of three annual increments with cumulative effect and also to set aside the order dated 20.04.2021 (Annexure P-9), whereby, the appeal filed by the petitioner has been dismissed by respondent No.2.

2. Briefly the facts of the case is that the petitioner has been employed with the Punjab State Power Corporation Ltd. (PSPCL) since 1999 and, barring the present incident, possesses an unblemished service record. At the relevant time, he was posted as Senior Executive Engineer/Enforcement, Muktsar, and relinquished this charge on 09.01.2015 afternoon, in compliance with a transfer order. He subsequently assumed the charge of Senior Executive Engineer, CGRF, Patiala, on 15.01.2015. The genesis of the present dispute lies in an incident concerning three consumers. Their energy meters were slated for inspection at the ME Lab, Muktsar, on 15.01.2015. The three meters were allegedly opened in the ME Lab and initially declared as "burnt" vide Challan No. 64, purportedly to benefit the consumers. A charge sheet was issued to the petitioner on 31.12.2015, alleging misconduct and connivance. The petitioner submitted a detailed reply dated 29.07.2016, contending that the challan did not bear his authentic signatures and requested a forensic examination of the same, which was not acceded to. A joint enquiry was conducted against the petitioner and two other officials. The Enquiry Officer held the charges against the petitioner to be proved. However, the petitioner contends that this finding was rendered without verifying his crucial defence regarding the forged signatures and without considering the material indicating his absence from the station after relinquishing charge. The pivotal contention of the petitioner rests upon an internal file noting dated 16.04.2019 (Annexure P-6) by the Disciplinary Authority, i.e., the Chairman-cum-Managing Director (CMD). In this noting,



the CMD, after perusing the records, concluded that the charges against the petitioner were "not absolutely proved" and decided to impose only a minor penalty of a "Letter of Censure." In contrast, for the co-delinquent, Er. Parminder Pal Singh, the CMD found the charges "absolutely proved" and imposed the major penalty of stoppage of three annual increments with cumulative effect. Despite the CMD's decision, the formal punishment order (Annexure P-7) communicated to the petitioner on 25.04.2019 imposed the major penalty of stoppage of three increments with cumulative effect. The petitioner alleges that this was a clerical error, a result of a "copy-paste" from the order issued to Er. Parminder Pal Singh. His statutory appeal against this order was dismissed by the Appellate Authority on 20.04.2021 (Annexure P-9). Subsequently, the petitioner discovered that the original official file containing the CMD's noting (Annexure P-6) was reported to have been "misplaced," as per a reply to an RTI application (Annexure P-11). Aggrieved by the orders at Annexures P-7 and P-9, which he contends are arbitrary, based on no evidence, and the result of a manifest error, the petitioner has filed the present writ petition seeking the aforementioned relief.

3. Learned senior counsel for the petitioner *inter alia* contends that the impugned order Annexures P-7 & P-9 are liable to be dismissed on the ground that the petitioner was served a vague charge sheet as discernible from Annexure P-2. The exact misconduct committed by the petitioner has not been detailed in the attached charge sheets. Further, the petitioner was not informed about the list of documents relied upon by the Inquiry Officer. Further, the petitioner filed an application on 29.07.2016 requesting his signature on the relevant memos are forged and as such, forensic examination of these, is



required to find the truth which has been placed on record by moving Civil Miscellaneous No.14584 of 2025 in the writ petition. He further refers to Annexure P-5 and submits that the related questions to the controversy regarding signature of the petitioner being forged have been put to witness in his cross examination, especially, in question No.19, 21 & 23. The Inquiry Officer has not considered the cross examination. Further, the finding of the Chairman-cum-Managing Director available on record. He further refers to the finding recorded by the Inquiry Officer in which it has been conclusively proved that the forgery has been committed by co-employee, namely, Parminder Pal Singh and that too on 15.01.2025 after the petitioner had relinquished his charge which amply proves that the petitioner is not complicit with the other employees who were charge sheeted along with the petitioner. Further, he relies upon Annexure P-6, the noting of the Chairman-cum-Managing Director of the Corporation and submits that noting clearly suggests that only censure was proposed to be given to the petitioner, whereas, the major punishment was proposed only against Parminder Pal Singh. However, the impugned order (Annexure P-9) is contrary to what has been noticed by the Chairman-cum-Managing Director of the Corporation in Annexure P-6. He further relies upon the judgment of this Court passed in CWP No.2316 of 2020 titled as 'Suresh Pal Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others' decided on 04.03.2025.

4. Per contra, learned counsel for the respondent-Corporation controverts the claim of the petitioner that charge sheet served upon the petitioner is vague and no detail of the documents and the witnesses have been supplied. He further refers to the vernacular of the charge sheet available at



page No.167 and while translating the vernacular in English, certain parts have been omitted. As such, the petitioner has tried to create a bias in the mind of the Court and on this lone ground, the present petition is liable to be dismissed. Learned counsel further submits that it is not a case that the impugned orders were passed by the competent authority, only the communication is by the Subordinate Officer. Further, the noting (Annexure P-5) relied upon by learned counsel for the petitioner is not available in the official record and it is not believable that petitioner would possess such document which is not available on the official record. Further, any noting on the administrative side will not prevail over the findings of the Inquiry Officer or the order of punishment. The inquiry as well as the punishment is awarded by following the drill of the prescribed procedure under the Punishment and Appeal Rules as well as the Appellate Authority. Reliance in this regard has been placed on the judgment of the Hon'ble Supreme Court passed in Civil Appeal No.5848 of 2021 arising out of SLP (Civil) No.24095 of 2019 titled as 'Union of India and others Vs. Dalbir Singh' decided on 21.09.2021.

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

6. It is settled law that this Court may only exercise its powers under Article 226 of the Constitution of India when the findings recorded in lieu of a disciplinary action, are arbitrary, tainted with procedural illegality or manifest any prejudice. This Court cannot re-appreciate the matter on merits and substitute the conclusion drawn by the concerned authority with its own. 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.

7. It is also well settled that this Court while exercising its jurisdiction under Article 226 of the Constitution of India, cannot adjudicate upon disputed questions of facts which require appreciation of evidence.

8. A two-Judge Bench of the Hon'ble Supreme Court in ***Union of India vs. P. Gunasekaran, (2015) 2 SCC 610***, speaking through Justice Kurian Joseph, made the following observations in this regard:

*“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. **In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence.** The High Court can only see whether:*

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*



(i) the finding of fact is based on no evidence.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate the evidence;*
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii) go into the adequacy of the evidence;*
- (iv) go into the reliability of the evidence;*
- (v) interfere, if there be some legal evidence on which findings can be based.*
- (vi) correct the error of fact however grave it may appear to be;*
- (vii) go into the proportionality of punishment unless it shocks its conscience.” (emphasis added)*

Reliance in this regard may also be made to the judgments rendered in ***B.C. Chaturvedi vs. Union of India, (1995) 6 SCC 749*** and ***Indian Oil Corpn. Ltd. vs. Ashok Kumar Arora, (1997) 3 SCC 72.***

9. Furthermore, a two-Judge Bench of the Hon’ble Supreme Court in ***S.R. Tewari vs. Union of India, (2013) 6 SCC 602***, speaking through Justice B.S Chauhan, made the following observations in this regard:

*“ 29. In Union of India v. R.K. Sharma [(2001) 9 SCC 592 : 2002 SCC (Cri) 767 : AIR 2001 SC 3053] , this Court explained the observations made in Ranjit Thakur [Ranjit Thakur v. Union of India, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] observing that if the charge was ridiculous, the punishment was harsh or strikingly disproportionate it would warrant interference. However, the said observations in Ranjit Thakur [Ranjit Thakur v. Union of India, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] are not to be taken to mean that a court can, while exercising the power of judicial review, interfere with the punishment merely because it considers the punishment to be disproportionate. **It was held that only in extreme cases, which on their face, show perversity or irrationality, there could be judicial review and courts should not interfere merely on compassionate grounds.***

30. The findings of fact recorded by a court can be held to be perverse if the findings have been arrived at by **ignoring or excluding relevant material or by taking into consideration irrelevant/inadmissible material. The finding may also be said to be perverse if it is “against**



the weight of evidence”, or if the finding so outrageously defies logic as to suffer from the vice of irrationality. If a decision is arrived at on the basis of no evidence or thoroughly unreliable evidence and no reasonable person would act upon it, the order would be perverse. But if there is some evidence on record which is acceptable and which could be relied upon, the conclusions would not be treated as perverse and the findings would not be interfered with. (Vide Rajinder Kumar Kindra v. Delhi Admn. [(1984) 4 SCC 635 : 1985 SCC (L&S) 131 : AIR 1984 SC 1805] , Kuldeep Singh v. Commr. of Police [(1999) 2 SCC 10 : 1999 SCC (L&S) 429 : AIR 1999 SC 677] , Gamini Bala Koteswara Rao v. State of A.P. [(2009) 10 SCC 636 : (2010) 1 SCC (Cri) 372 : AIR 2010 SC 589] and Babu v. State of Kerala [(2010) 9 SCC 189 : (2010) 3 SCC (Cri) 1179] .)

31. Hence, where there is evidence of malpractice, gross irregularity or illegality, interference is permissible.”

(emphasis added)

10. In view of the discussion above, the present civil writ petition is hereby dismissed.

11. 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