

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

2025:PHHC:133341-DB



(243)

LPA-1201-2023(O&M)
Date of Decision: 24.09.2025

Union of India & another

--Appellants

Versus

Anil Kumar Sarma

--Respondent

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA.
HON'BLE MR. JUSTICE ROHIT KAPOOR.**

Present:- Mr. Sunil Kumar Sharma, Advocate for the appellants.

Mr. Vivek Singla, Advocate for the respondent.

ASHWANI KUMAR MISHRA.J (Oral)

1. This appeal arises out of an order passed by learned Single Judge dated 16.08.2023, whereby the appellate order passed against the writ petitioner, imposing major punishment upon him, has been set aside.

2. It is undisputed that the disciplinary authority on completion of enquiry proceedings had imposed minor punishment of censure along with recovery of pecuniary loss caused to the institute. This order was assailed in appeal. The appellate authority found the punishment to be grossly inadequate and consequently major punishment has been imposed upon the employee after issuing him a notice. The appellate order has since been set aside by the learned Single Judge only on the ground that no reference is made to the enabling provision under which such an order has been passed.

3. In the present appeal reliance has been placed upon the Central Civil Services (Classification, Control & Appeal) Rules, 1965 (hereinafter

to be referred to as the 1965 Rules) relating to consideration of appeal. Our attention has been drawn to Rules 11 as well as 27 of 1965 Rules, which refer to the power of the appellate authority in enhancing the punishment to be imposed upon the employee. The applicability of 1965 Rules upon the employee is otherwise not disputed. Once that be the case, we cannot approve the view taken by the learned Single Judge in holding that no provision is referred to under which such major punishment could be imposed. On this short ground itself the appeal is liable to succeed. We are, otherwise, inclined to remand back the matter as there is, otherwise, no consideration by the learned Single Judge with regard to merits of the order passed by the appellate authority.

4. Consequently, this appeal succeeds and is allowed. The judgement and order passed by learned Single Judge dated 16.08.2023, is set aside and the matter is remitted back to learned Single Judge for fresh consideration, in accordance with law.

5. Since sufficient time has lapsed, we request the learned Single Judge to take up the matter for adjudication as per his lordship's earliest convenience.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

24.09.2025
lucky

(ROHIT KAPOOR)
JUDGE

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