



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

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**CWP-26577-2019 (O&M)  
Date of Decision: 23.12.2025**

NAVJOT LEHAL

....PETITIONER(S)

VERSUS

LIC OF INDIA AND OTHERS

....RESPONDENT(S)

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Ekta Thakur, Advocate and  
Ms. Shikha, Advocate for the petitioner with  
Navjot Lehal-Petitioner in person

Mr. Akshay Jain, Advocate for the respondents.

**SANDEEP MOUDGIL, J.****Prayer**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* to quash impugned order dated 12.03.2019 (Annexure P-1) passed by respondent No.1 upholding the order dated 28.06.2018 (Annexure P-4) of respondent No.2, wherein orders dated 15.01.2016 and 30.01.2016 (Annexure P-5 and Annexure P-6) of respondent no.3 was upheld whereby zero salary of petitioner was further reduced by two stage in the time scale of pay and vide order dated 30.01.2016, the petitioner was removed from service in terms of Regulation 39 (1) (f) of LIC of India (Staff) Regulation, 1960 with further prayer to direct the respondent-organization to restore the service of the petitioner along with all the service benefits with retrospective effect.

**Brief Facts**

The petitioner joined Ludhiana Unit-II Branch of LIC of India as a trainee assistant 21.11.2009, having completed the Job-Oriented Vocational Course of CBSE, Batch 1993 and was confirmed as a regular employee on 23.05.2011 and during her tenure her service is alleged to be blemish-free.

In August 2012, whilst posted in Samrala, the petitioner lodged complaints alleging sexual harassment and hostile work environment against the Branch Manager and sought protection from transfer. Internal mechanisms examined the complaints, while simultaneously disputes arose regarding work allocation, attendance, and compliance with official directions. In November 2012, the petitioner was transferred to Ludhiana Unit-II by the competent authority, allegedly as a retaliatory actions in violation of applicable LIC circulars and guidelines.

The petitioner further alleges continued harassment, denial of certain service benefits, and improper constitution of internal committees. In May 2013, she lodged criminal complaints alleging offences against certain officials, pursuant to which FIR No. 268 of 2014 was registered and criminal proceedings are stated to be pending.

Thereafter, the petitioner remained absent from duty and declined to perform assigned work, leading to issuance of notices and correspondence by the department. On account of unauthorized absence and insubordination, a charge-sheet dated 30.07.2014 was issued under the LIC of India (Staff) Regulations, 1960. A departmental enquiry was initiated, in which the petitioner did not participate despite repeated opportunities. The Enquiry Officer returned findings holding the charges proved vide enquiry report dated 22.08.2025. After supply of the enquiry report and issuance of show cause notice dated 29.10.2025, the Disciplinary Authority passed order dated 15.01.2016 imposing penalty of reduction by two stages in pay, followed by order dated 30.01.2016 removing the petitioner from service under Regulation 39(1)(f). The departmental appeal and revision were dismissed by reasoned orders, culminating in the order dated 28.06.2018 (Annexure P-4) and impugned order dated 12.03.2019 (Annexure P-1), which is under challenge in the present writ petition.

**Contentions**  
**On behalf of the petitioners**

Learned counsel for the petitioner contends that she was subjected to continuous sexual harassment, hostile work environment and despite repeated complaints, including to senior management, the Punjab State Commission for Women, and the National Commission for Women, the respondents failed to take appropriate action, and in fact, perpetuated her harassment through sham inquiries, denial of legitimate benefits, disadvantageous transfers, and excessive work assignments.

It is submitted that the petitioner's removal from service vide order dated 30.01.2016 was illegal, arbitrary, and without adherence to principles of natural justice, as a retaliation of her raising complaints of sexual harassment and exposing irregularities. The learned counsel urged that the respondents' actions violated LIC's own circulars and statutory protections under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (in short as POSH Act).

Counsel prays that the termination and all consequential actions be declared illegal and void ab initio, the petitioner be reinstated with full benefits, and the respondents be directed to comply with statutory safeguards to ensure a safe and dignified working environment.

**On behalf of Respondents**

Learned counsel for the respondents controverts the submissions made on behalf of the petitioner and submits that the allegations of sexual harassment, hostile work environment, and victimization are wholly unfounded, unsubstantiated, and have no bearing on the disciplinary action taken against the petitioner. The allegations were independently examined by duly constituted

committees and were found to be devoid of merit. The subsequent disciplinary proceedings were initiated not as a retaliatory measure but solely on account of the petitioner's unauthorized absence, refusal to perform official duties, and acts of insubordination.

It is further contended that the petitioner's punishment of termination was neither arbitrary nor without jurisdiction. The charge-sheet was issued by the competent authority under the LIC of India (Staff) Regulations, 1960, followed by a due enquiry where the petitioner was afforded repeated opportunities to participate in the enquiry, submit her defence, and respond to the enquiry report and show cause notice. Having failed to avail of such opportunities, she cannot now allege violation of principles of natural justice.

Learned counsel argued that the disciplinary proceedings were conducted strictly in accordance with applicable regulations and the findings of guilt are based on evidence on record, and the punishment was imposed by the competent authority by due application of mind and cannot be simply termed disproportionate now. Moreover, the allegations of violation of the Vishaka guidelines or the Sexual Harassment of Women at Workplace Act, 2013 are misconceived, as the disciplinary action is entirely independent of and unrelated to the petitioner's complaints.

### **Analysis :**

#### **Margin of appreciation and Judicial restraint**

At the outset, it is important to recognize the scope of judicial review in service matters. The jurisdiction under Articles 226 and 227 of the Constitution of India is extraordinary and discretionary, intended to ensure that the State and its instrumentalities act within the parameters of law, fairness, and reasonableness. It is well settled that judicial review is not an appellate function.

The courts do not sit to re-appreciate evidence or substitute their discretion for that of the disciplinary authority. The scope is circumscribed to cases where the authority has acted without jurisdiction, in violation of principles of natural justice, mala fide, discriminatory, or where the punishment is shockingly disproportionate.

The Supreme Court in “**B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749**”, held that,

*"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence.*

Moreover in the Apex Court in “**Union of India v. P. Gunasekaran, (2015) 2 SCC 610**”, it was observed that,

*"13. 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, re-appreciating even the evidence before the enquiry officer. The finding on Charge No. 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 Article 226/227 of the Constitution of India, shall not venture into re-appreciation 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.

Under Article [226/227](#) of the Constitution of India, the High Court shall not:

- (i). re-appreciate 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.

14. In one of the earliest decisions in **State of Andhra Pradesh and others v. S. Sree Rama Rao, AIR 1963 Supreme Court 1723**, many of the above principles have been discussed and it has been concluded thus :

"7. ... The High Court is not constituted in a proceeding under Article [226](#) of the Constitution a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the

*departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution."*

Keeping the aforesaid principles in view, this Court finds that the disciplinary action against the petitioner arose from allegations of service misconduct, namely unauthorized absence, refusal to perform allotted duties, and insubordination, which squarely fall within the misconduct contemplated under the LIC of India (Staff) Regulations, 1960. The charge-sheet dated 30.07.2014 was issued by the competent authority, clearly setting out the charges. The petitioner was repeatedly afforded opportunities to participate in the enquiry proceedings and to submit her defence. The order of disciplinary proceedings dated 15.01.2016 (Annexure P-5) clearly states the observation made by the scrutiny officer that,

*"NOW UPON, scrutiny of the relevant records and the matter in its entirety, i find that sufficient opportunity was provided by the Enquiry Other, to Ms Navjot Lehal to attend the enquiry but inspite of providing her reasonable suthcient opportunity she did not attend any of the enquiry proceedings. However, I am satisfied that reasonable opportunity has been afforded to her to defend herself and the Principle of Natural Justice has been observed in this matter."*

The record as above demonstrates that despite due notice, the petitioner chose not to participate, resulting in the enquiry being conducted *ex parte*. When a delinquent employee deliberately abstains from enquiry proceedings cannot later complain of denial of natural justice.

Furthermore, it is pertinent to note that the enquiry culminated in a reasoned report holding the charges proved on the basis of material available on record. The enquiry report was furnished to the petitioner, followed by issuance of a show cause notice dated 29.10.2025 proposing penalty. The petitioner submitted her response, which was duly considered by the Disciplinary Authority before passing the order dated 15.01.2016 (Annexure P-5) imposing

the penalty of reduction by two stages in the time scale of pay under Regulation 39(1)(d) in terms of 1960 Regulations and thereafter the order dated 30.01.2016 (Annexure P-6) removing the petitioner from service under Regulation 39(1)(f) of 1960 Regulations. Thus, since procedural fairness as contemplated under service jurisprudence, was duly observed by the competent authority, the interference of this court in a disciplinary proceeding cannot be warranted.

### **Were the Disciplinary Proceedings initiated as a Retaliatory Action?**

Otherwise also, the contention raised on behalf of the petitioner that the disciplinary proceedings were a retaliatory action of the respondent against raising complaints of sexual harassment cannot be accepted within the limited scope of writ jurisdiction. It is duly observed by this court that the allegations of sexual harassment were examined by duly constituted committees, including committees with external members. More importantly, the charge-sheet and punishment orders impugned herein, are founded on independent acts of service misconduct and do not emanate from or rely upon the sexual harassment complaints.

The plea of violation of the Vishaka guidelines or the POSH Act, 2013 is misconceived in the context of the present writ petition. In the present case, the charge-sheet relates exclusively to proven service misconduct, namely unauthorized absence and insubordination, and is entirely independent of the petitioner's complaints of sexual harassment. Since the disciplinary proceedings were based on separate charges supported by evidence, no ground exists to contend that the punishment was imposed in retaliation.

### **Proportionality of Punishment**

As regards the proportionality of punishment, this Court is of the considered view that removal from service for proved misconduct relating to



prolonged unauthorized absence and insubordination cannot be termed as shockingly disproportionate. The Supreme Court has consistently held that the quantum of punishment lies primarily within the domain of the disciplinary authority and interference is warranted only in rare cases where the punishment shocks the conscience of the Court. The Apex court in “**Chairman-cum-Managing Director, Coal India Ltd. v. Mukul Kumar Choudhuri, (2009) 15 SCC 620**”, observed that,

*26. The doctrine of proportionality is, thus, well recognised concept of judicial review in our jurisprudence. What is otherwise within the discretionary domain and sole power of the decision maker to quantify punishment once the charge of misconduct stands proved, such discretionary power is exposed to judicial intervention if exercised in a manner which is out of proportion to the fault. Award of punishment which is grossly in excess to the allegations cannot claim immunity and remains open for interference under limited scope of judicial review. One of the tests to be applied while dealing with the question of quantum of punishment would be : would any reasonable employer have imposed such punishment in like circumstances ? Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters before imposing punishment.*

Thus, the court cannot deem the punishment imposed by the competent authority as shockingly disproportionate unless the punishment imposed is unduly harsh and grossly in excess to the allegations. No such exceptional circumstance is made out in the present case, the discretion exercised by the respondent in imposing the punishment of removal from service to the petitioner does not seem to be in excess to the allegations of insubordination and unauthorized absence that stand proved after due and proper investigation.

Moreover, this court is of the opinion that the appellate and revisional authorities have independently examined the record and upheld the disciplinary action by passing reasoned orders. The impugned order dated

12.03.2019 (Annexure P-1) does not suffer from any jurisdictional error or perversity so as to justify interference by this Court under writ jurisdiction.

**Conclusion**

In view of the limited scope of judicial review in disciplinary matters and in the absence of any illegality, procedural irregularity, or perversity in the charge-sheet, enquiry proceedings, or punishment orders, this Court finds no merit in the present writ petition.

Accordingly, the present writ petition is dismissed. The impugned order dated 12.03.2019 (Annexure P-1) upholding the punishment imposed on the petitioner is hereby sustained.

Pending applications, if any, stand disposed of.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**23.12.2025**  
*NainaRajput*

|                                  |                |
|----------------------------------|----------------|
| <i>Whether speaking/reasoned</i> | <i>:Yes/No</i> |
| <i>Whether reportable</i>        | <i>:Yes/No</i> |