

2025:PHHC:174151-DU



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

**LPA-1693-2019 (O&M)
Date of Decision: 12.12.2025**

**DAKSHIN HARYANA BIJLI VITRAN NIGAM, HARYANA AND
OTHERS**

... APPELLANTS

VS.

HUKAM SINGH

... RESPONDENT

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

Present: Mr. Deepak Balyan, Advocate,
for the appellants.

Dr. S.K.Bhar, Advocate for
Mr. Ashish Gupta, Advocate,
for the respondent.

ASHWANI KUMAR MISHRA, J. (ORAL)

This appeal arises out of an order dated 19.03.2019 passed by learned Single in CWP-18264-2018, whereby, the punishment order against the respondent-petitioner has been set aside with liberty granted to the department to proceed afresh in accordance with law.

Learned Single Judge has noticed that disciplinary inquiry was initiated under Regulation 7 which was in respect of major punishment but without concluding the process already initiated as per Regulation 7, the authorities have passed the order imposing minor punishment. This, according to learned Single Judge, is impermissible.

Aggrieved by it, the employer is before us in this appeal.

Learned counsel for the appellants has placed reliance upon the **Dakshin Haryana Bijli Vitran Nigam Limited Employees (Punishment and Appeal) Regulations, 2006** wherein Rule 7 (27) reads as under:-

“Where an employee has been charge-sheeted under this regulation and the competent Authority, on receipt of his reply to the charge sheet, is of the opinion that no major punishment as laid down in Regulation-4(B) is called for, it may dispense with the holding of enquiry and inflict straightaway any of the minor penalties as laid down in Clause 4(A) of the ibid regulation by a speaking order.”

It is on the strength of the above proposition that the appellants contend that the disciplinary authority could pass an order of minor punishment even though the proceedings were initiated for award of major punishment. In support of such contention, reliance is placed upon the judgment of the Supreme Court in **'D.H.B.V.N.L.Vidyut Nagar, Hisar and Others Vs. Yashvir Singh Gulia, 2013 (11) SCC 173**, wherein Court has held as under in para 12 and 13:-

“12. Above referred regulations, especially Regulation 7(8) clearly indicates that the competent authority has got the power to dispense with the procedure for holding a departmental inquiry, even though it had contemplated major penalty proceedings, on being satisfied with the reply submitted by the delinquent officer. In such a case, it can always follow the procedure for imposing minor penalty. Minor penalty, as per the Regulation, can be inflicted without holding any departmental inquiry, by giving only a show-cause-notice and a reasonable opportunity to make a representation to the show-cause-notice. Personal

hearing can also be afforded and also can be dispensed with by a speaking order.

13. We are of the view that the procedure referred to hereinbefore has been followed by the Board. The delinquent officer was given an opportunity to submit his reply to the show-cause-notice which was considered and the Board took a conscious decision to impose only a minor penalty, i.e. barring one increment without cumulative effect, for which no full-fledged departmental inquiry is contemplated. Learned District Judge as well as the High Court, in our view, has committed a grave error in interfering with the punishment imposed by the Board which, in our view, is perfectly legal, going by the regulations referred to hereinbefore.”

The appeal is opposed by the learned counsel for the respondent-petitioner, who submits that for invoking clause 7 (27) of the Service Rules, a speaking order is required to be passed after considering the explanation submitted by the employee concerned in respect of the charge sheet issued to him.

In the facts of the present case, it transpires that the employer has imposed minor punishment of withholding of increment without cumulative effect and also directed recovery to be made from him. The order of punishment is perused by us which clearly records that after considering the written reply, a decision is taken to recovery the pecuniary loss suffered by the Corporation to the tune of Rs. 03,01,440/-. Two annual increments without future effect are also stopped.

However, there is no consideration in this order with regard to merits of the petitioner's defence to the charge of causing pecuniary loss to the employer. Though, an order of minor punishment could have been

passed by the disciplinary authority but such order has to be a reasoned one.

In this case, neither the reply of the respondent-petitioner has been referred to nor any reason is given for not accepting such reply. Therefore, the punishment imposed, vide order dated 10.06.2015, cannot be said to be by way of a reasoned order.

It is otherwise well settled that reason is the soul of an order. In its absence the order itself becomes lifeless. In such circumstances, though for a different reason yet we ultimately refuse to interfere with the order of learned Single Judge. It shall, however, be open for the department to pass a fresh reasoned order, after considering petitioner's reply to the allegation of pecuniary loss caused to the employer.

The appeal is disposed of in the aforesaid terms.

Pending applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

12.12.2025

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