



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

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**CWP-24171-2025 (O&M)
Date of decision: 10.09.2025**

Sarabjit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. T.N. Sarup, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The petitioner has filed the present writ petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* for quashing charge-sheet bearing No. 923 dated 29.05.2024 (Annexure P-2) issued by the respondents to the petitioner on the ground that the same pertains to allegations already forming subject matter of an FIR registered by the respondents against the petitioner and others. The petitioner has further prayed for issuance of a writ in the nature of mandamus directing the respondents to change the Investigating/Enquiry Officer, who according to the petitioner, is biased and empanelled on the panel of respondents, and that the enquiry be entrusted to an independent and neutral authority, such as a retired Judicial Officer or any other retired Gazetted Officer of IAS or IPS



level. A further prayer has been made that during the pendency of the present writ petition, the proceedings of the enquiry be stayed.

2. The brief facts of the case are that the petitioner is working as Assistant Manager, Punjab Agricultural Development Bank, Jagraon, District Ludhiana. At the relevant time during 2013-14, the petitioner was posted as Field Officer at Punjab Agricultural Development Bank, Raikot, where he processed 10 agricultural loan applications totaling ₹60,00,000/-. As per the pleadings, the role of the Field Officer is confined to verification of documents, cross-checking with revenue records, conducting spot inspection, and making recommendations to the Bank Manager. The sanctioning and disbursement powers rest with the Bank Manager. In the year 2024, the respondents issued charge-sheet bearing No. 923 dated 29.05.2024 against the petitioner alleging irregularities in loan recommendations. The enquiry of the said charge-sheet along with other allegations was entrusted to an officer empanelled with the respondent/Bank, who according to the petitioner, had already given adverse findings against him earlier and was biased. It is pleaded that such officer did not follow the prescribed procedure, denied the petitioner an opportunity to participate, and recorded findings in favour of the respondent/Bank. The petitioner contends that despite his detailed reply dated 06.07.2024 (Annexure P-5), the respondents have entrusted the enquiry to the same officer, who is neither independent nor impartial. Simultaneously, the respondents got an FIR No.0061 dated 10.09.2024 under Sections 420 and 120-B IPC at Police



Station City Rajkot, District Ludhiana, registered against the petitioner and others, on the same set of allegations, and the proceedings of the FIR (supra) have been stayed by this Court vide order dated 10.03.2025 (Annexure P-11) passed in CRM-M No. 13051 of 2025.

3. Learned counsel for the petitioner argued that the enquiry officer being empanelled with the respondent/Bank is not an independent authority, and his prior findings against the petitioner demonstrate clear bias. He submits that such an arrangement is violative of principles of natural justice, as fair enquiry requires an impartial officer. Learned counsel for the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court in ***Ramesh Chandra v. Delhi University (2015) 5 SCC 549***, and submits that to contend that when an enquiry officer is a legal practitioner or a retired Judicial Officer connected with one party, not only does the perception of bias arise, but also the delinquent employee must be given the option of legal assistance in defence. He submits that the case of the petitioner is squarely covered by the said judgment as the enquiry officer appointed by the respondent/Bank is on the panel of respondent/Corporation and his services have been engaged to defend the Corporation in cases where the relief is sought against the respondents.

4. *Per contra*, learned State counsel submits that the charge sheet was issued on account of serious irregularities and lapses in processing loan applications by the petitioner. He further submits that the petitioner was given adequate opportunity to reply and mere



apprehension of bias cannot be a ground to quash the disciplinary proceedings. He further contends that the respondent/Bank has the discretion to appoint any officer to conduct the enquiry and judicial interference, at this stage is unwarranted, however, he is not in a position to controvert the ratio of law laid down in ***Ramesh Chandra's case (supra)***.

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

6. It is not in dispute that the enquiry officer appointed by the respondent/Bank is on its panel and had earlier conducted enquiries resulting in adverse findings against the petitioner. The issue of bias and fairness in appointment of enquiry officers has been comprehensively dealt with by the Hon'ble Supreme Court in ***Ramesh Chandra's case (supra)***, wherein it was observed as under:

“65. Further one “note” given by the Registrar and approved by the Vice-Chancellor in regard to the departmental enquiry being relevant, it is desirable to refer and discuss the same. The original “note” relating to engagement of a retired Judge of the High Court for conducting inquiry was given by the Registrar of the University on 03.04.2007. From the said note dated 03.04.2007 as approved by the Vice-Chancellor, we find that Justice X, a retired Judge of the Delhi High Court was appointed as the enquiry officer to conduct the departmental enquiry against the appellant as prior to his elevation to the High Court as a Judge, he was the counsel for Delhi University. The relevant portion of the note reads as follows:-



“Justice X (name changed), retired Judge of the Delhi High Court had, prior to the elevation to the High Court as a Judge, handled Delhi University cases. He is well-versed with Delhi University Acts, statutes and Ordinances.”

2. *It was in this background the University decided to engage him as enquiry officer.*

66. We are of the opinion that if an Hon'ble retired Judge of a Court before his appointment as a Judge was a lawyer of any of the party (Delhi University herein), the disciplinary authority should not engage such retired Judge as an enquiry officer, as the other party may allege bias against the enquiry officer and the reputation of the Hon'ble Judge may be at stake. The University is directed not to engage any Hon'ble retired Judge of any Court, who was earlier a counsel of the University as an enquiry officer to hold an inquiry against any of its employees.

67. The enquiry officer herein being a retired Judge of the High Court is a person of vast legal acumen and experience. The presenting officer also would be a person who had sufficient experience in presenting case before the enquiry officer. In this background, it is also required to consider whether an application of a delinquent employee seeking permission to be represented through a legally trained and qualified lawyer should be allowed or not.”

3. *Thereafter, after discussing the law on the issue, it was further held as follows:-*

“70. In view of the law laid down by this Court, we are of the view that if any person who is or was a legal practitioner, including a retired Hon'ble Judge



is appointed as an enquiry officer in an enquiry initiated against an employee, the denial of assistance of a legal practitioner to the charged employee would be unfair.

70. For the reasons aforesaid, we hold that all the departmental enquiries conducted against the appellant were in violation of rules of natural justice. This apart, as the third inquiry report is based on extraneous facts and first part of the charge held to be proved in memorandum dated 26.03.2010 not being the part of the charges shown in the (third) charge-sheet, the order of punishment, including Resolution by memorandum dated 26.03.2010 cannot be upheld.”

7. In the present case also, the admitted position is that the enquiry officer is on the panel of the respondent/Bank and has previously rendered findings against the petitioner. The reasonable apprehension of bias in such circumstances cannot be brushed aside. As held in ***Ramesh Chandra's case (supra)***, the engagement of such a person undermines fairness of proceedings and offends the principles of natural justice. The ratio of law laid down by Hon'ble Supreme Court in ***Ramesh Chandra's case (supra)***, has also been reiterated by this Court in ***Kuldeep Singh vs Punjab State Warehousing Corporation and others, 2015 (16) SCT 527.***

8. It is well settled principle of law that **justice should not only be done but should manifestly and undoubtedly also seen to be done**. Having regard to the peculiar facts of this case, this Court is of the



opinion that there is every likelihood of bias on the part of the respondent/Bank against the petitioner. Once the element of bias is established, the enquiry proceedings cannot be sustained in the eyes of law.

9. In view of the above discussion and the binding observations of the Hon'ble Supreme Court in ***Ramesh Chandra's case (supra)***, the enquiry proceedings initiated pursuant to charge sheet No.923 dated 29.05.2024 (Annexure P-2) are hereby quashed.

10. However, the respondents shall be at liberty to proceed afresh from the stage of reply to the charge-sheet, but only before an independent authority. Accordingly, this Court appoints Mr. Balwinder Singh Sandhu, District & Sessions Judge, (Retd.), who is one of empanelled Arbitrator of this Court and is based in Ludhiana, having contact No.9646293445, e-mail id: bssandhu88@gmail.com, as an independent Enquiry Officer to conduct the proceedings against the petitioner so as to ensure fairness and compliance with principles of natural justice.

11. The remuneration, honorarium and other incidental expenses of the independent Enquiry Officer shall be borne by the respondent/Bank, since the disciplinary proceedings are initiated by the respondent/Bank and it is their responsibility to ensure that such proceedings are conducted fairly, in accordance with law. The exact amount of fees/remuneration shall be fixed in consultation with the Enquiry Officer at the time of commencement of proceedings.



12. The Enquiry Officer shall ensure that the enquiry is conducted strictly in accordance with law by adhering to the principles of natural justice and by granting the petitioner full opportunity to defend himself including the right to assistance of a legal practitioner, if so sought, in terms of the law laid down in *Ramesh Chandra’s case (supra)*.

13. The writ petition stands disposed of in the above terms.

(HARPREET SINGH BRAR)
JUDGE

10.09.2025
yakub

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