

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

218

Date of decision: 27<sup>th</sup> October 2025

(1) CWP No. 23688 of 2023 (O&M)

2025.PHHC:146496-DB



Nitin Pratap Singh

..Petitioner

Versus

Central Administrative Tribunal, Chandigarh Bench,  
Sector 17-A Chandigarh through its Registrar and others

..Respondents

(2) CWP No. 23687 of 2023 (O&M)

2025.PHHC:146497-DB



Nitin Pratap Singh

..Petitioner

Versus

Central Administrative Tribunal, Chandigarh Bench,  
Sector 17-A Chandigarh through its Registrar and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Dhiraj Chawla, Advocate for petitioner.

Mr. Pankaj Gupta, Senior Panel Counsel  
for UOI-respondents No. 2 to 5.

**HARSIMRAN SINGH SETHI, J(Oral)**

1. By this order, two writ petitions are being disposed of, in which petitions the order dated 01.08.2023 (Annexure P-4) passed by Central Administrative Tribunal, Chandigarh, (hereinafter referred to as 'the Tribunal') and to order dated 16.10.2020 (Annexure A-1) passed by DRT-II,

Chandigarh is being challenged, hence, both the petitions are decided by a common order.

2. In the present petitions, the challenge is to the order passed by the Presiding Officer, DRT-II, Chandigarh dated 16.10.2020 which order was also impugned before the Tribunal by filing O.A N.060/791/2020, in which order certain allegations had been alleged against the petitioner, which led to his repatriation to the parent department. Learned counsel for the petitioner submits that actions upon the allegations alleged against an employee can only be taken in case the same have been proved in an inquiry by giving due opportunity of hearing to the party concerned whereas in the present case, without even seeking an explanation from petitioner the allegations have been alleged against petitioner which amounts to stigma and shows blatant violation of rules of natural justice and therefore, the stigmatic portion of order passed by DRT-II dated 16.10.2020 while repatriating the petitioner, be expunged.

3. Learned counsel appearing on behalf of the respondents concedes to the factum that no due inquiry was held upon allegations alleged against the petitioner in the order dated 16.10.2020 but submits that there is a charge-sheet which has been issued to the petitioner which is pending as of now.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It shall be noted that in case any allegation is to be made against an employee upon any aspect during his/her service career, he/she is to be given due opportunity to defend the said allegations against him/her. It is a conceded position in the present case that no such opportunity has been

have been mentioned in the impugned order dated 16.10.2020 which has adversely affected his service competence. In the absence of any such inquiry proving the allegation that the petitioner is incompetent with regard to the required knowledge of rules and regulations or that the working of the petitioner has hampered the smooth functioning of DRT, no such allegations should have been recorded against the petitioner and that too while repatriating the petitioner from Borrowing Department to the Parent Department.

6. Even if, the powers, duties and responsibilities granted and assigned to petitioner were to be withdrawn, the same could have been done by way of an innocuous order subject to holding of an inquiry into the allegations and by giving due opportunity of hearing to the petitioner. In facts and circumstances of present case, the order dated 16.10.2020 is totally stigmatic causing aspersion on the working of the petitioner who is stated to be now working in Rajya Sabha as Additional Director.

7. Keeping in view the totality of the circumstances as the petitioner has already been repatriated to his parent department, the present petition is disposed of with the direction that the allegations mentioned with regard to the incompetence in the order dated 16.10.2020 will stand expunged and the remaining part of the order shall remain intact.

8. Pending application(s), if any, stands disposed of.

9. Photocopy of this order be placed on the file of another connected case.

(HARSIMRAN SINGH SETHI)  
JUDGE

27<sup>th</sup> October 2025

(VIKAS SURI)  
JUDGE

reema  
Whether speaking/reasoned : Yes  
Whether reportable : No