IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25263-2025
Reserved on : 01.09.2025
Pronounced on : 04.09.2025

SATISH KUMAR

...PETITIONER

V/S

SARVA HARYANA GRAMIN BANK AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parth Goyal, Advocate for the petitioner.

Mr. Saurav Verma, Advocate with
Ms. Preeti Grover, Advocate for
respondent Nos.1, 2, 4 and 5.

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HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition is preferred under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned charge-sheet dated 26.05.2025 (Annexure P-24) as well as impugned order dated 30.05.2025 (Annexure P-27) whereby disciplinary proceedings against the petitioner were ordered to be continued beyond the date of his superannuation and his retiral benefits were withheld till its completion.

FACTUAL BACKGROUND

2. Briefly, the facts are that the petitioner joined the Gurgaon Gramin Bank as a Clerk on 03.07.1989. Subsequently, he cleared the requisite examination and joined as a Field Supervisor (Officer Grade) on 27.08.1989 followed by Manager/Officer Sale-I on 27.11.1989. On 29.11.2013, the Gurgaon Gramin Bank and Haryana Gramin Bank merged with respondent No.1-Sarv Haryana Gramin Bank. The petitioner was posted as Chief Manager in Kurukshetra from October, 2018 to May, 2020 prior to being promoted as

Assistant General Manager Scale-V in April, 2022. He was due to retire on 31.05.2025, however, a charge-sheet dated 26.05.2025 (Annexure P-24) was issued to him, which he received through registered post on 02.06.2025 and 03.06.2025. Vide letter dated 30.05.2025 (Annexure P-26), the petitioner was advised to submit his reply by 16.06.2025.

3. Further still, the petitioner ceased to be in service from the date of his superannuation i.e. 31.05.2025 but the disciplinary proceedings initiated against him were ordered to continue vide impugned order dated 30.05.2025 (Annexure P-27) passed respondent No.2- Disciplinary Authority i.e. the Chairman of the respondent-Bank. The retiral benefits accrued to the petitioner, except for his own contribution to the Provident Fund, were also withheld and it was clarified that no pay or allowance shall be paid to him beyond the date of his superannuation.

CONTENTIONS

4. Learned counsel for the petitioner *inter alia* contended that the petitioner retired on 31.05.2025, having served the respondent-Bank for 35 years. In the month of April, 2024 and May, 2024, the petitioner received questionnaires/notices (Annexure P-1 and P-3) with the following allegations:

(i) Misuse of bank vehicle from December, 2020 to January, 2021.

(ii) Transaction in personal HUF accounts from the period January, 2020 to December, 2023.

(iii) Lapses in the loan account from the year 2018 i.e. not ensuring the entry of the mortgage of a loanee in the revenue record.

On 26.05.2025 i.e. just few days before retirement of the petitioner, the respondent-Bank issued a charge-sheet (Annexure P-24) by combining two old questionnaires/notices (Annexure P-1 and P-3), which he received after his retirement i.e. on 02.06.2025. The petitioner had submitted detailed replies (Annexure P-2 and P-4) in June, 2024 addressing all the abovementioned allegations, which were not considered before issuing charge-sheet (Annexure P-24).

5. He further submitted that previously, the petitioner had sought voluntary retirement, the claim which was rejected in November, 2024 on the untenable grounds of *"pending inspection irregularities."* As a matter of fact, the petitioner was not informed of the status of his VRS request till he sought the same under the Right to Information Act, 2005. Vide email dated 11.04.2025(Annexure P-19), he was informed that the rejection of his request for VRS was for the reason "*actionable irregularities"* that was inadvertently mentioned as "*inspection irregularities."* As such, it is evident that the petitioner was maliciously denied VRS on non-existing grounds.

6. Learned counsel further contended that the actions of the respondent-bank are contrary to its own policies namely of Staff Accountability Policy dated 07.11.2012 (hereinafter 'Policy of 2012') (Annexure P-7), which was in force up to the year 2021 as well as its successors i.e. Staff Accountability Policy dated 28.07.2022 (hereinafter 'Policy of 2022') (Annexure P-8) and Staff Accountability Policy dated 25.04.2024 (hereinafter 'Policy of 2024') (Annexure P-9), which came into force w.e.f. 15.04.2024. He referred to Clause 10.2(c) of the Policy of

2012(Annexure P-7), available at Page-69 of the paper book, to submit once the comments are called for from the employee sought to be charged, the competent authority must decide upon the same within 06 months of receipt of such comments. The said Clause also clarifies that failure to do the same within the stipulated period, no action would be taken against such employee. This provision has been reiterated in the Policy of 2022 and Policy of 2024 as well. Since the notices (Annexure P-1 and P-3) were issued 5 years and 6 years ago, respectively, and comments were called from the petitioner, the charge-sheet (Annexure P-24) ought not to have been issued as the respondent-Bank was duty-bound to conclude the process within 06 months.

7. Lastly, learned counsel for the petitioner referred to Clause 46 of the Sarva Haryana Gramin Bank (Employees') Pension and Regulations, 2018 (hereinafter 'the Regulations of 2018'). He submitted that departmental proceeding cannot be initiated against the petitioner in the present case as more than four years have lapsed since the event qua which charge-sheet (Annexure P-24) has been filed. As such, the act and conduct of the respondent-Bank is arbitrary and contrary to the Regulations of 2018. Reliance in this regard was placed on the judgments rendered by this Court in ***Paramjit Singh vs. State of Punjab and others, 2025 NCPHHC 83397*** and ***Vasdev Singh vs. State of Punjab and others, 2025 NCPHHC 104706.***

8. On the other hand, learned counsel for respondent-Bank submitted that the case of the petitioner cannot be considered in terms of the Regulations of 2018 as Clause 46 pertains to recovery of pecuniary loss caused to the Bank and the case of the petitioner is required to be considered

in the light of Clause 45 of Sarva Haryana Gramin Bank (Officers and Employees) Service Regulations, 2010 (hereinafter 'Regulations, 2010) (Annexure P-29).

9. Admittedly, charge-sheet was issued on 26.05.2025 and petitioner retired on 31.05.2025. As such, disciplinary proceedings initiated before the superannuation, the same would continue even after the retirement in view of ***Chairman-cum-Managing Director, Mahanadi Coalfields Limited vs. Sri Rabindranath Choubey, 2020(2) S.C.T. 554*** as Punjab National Bank Service Rules are *pari materia* to the Regulations of 2010 of the respondent-bank. Furthermore, it was contended that the Clause 3.3 of the Policy of 2024 (Annexure P-9), available at page No.103 of the paper book, as well as Clause 10.2(d) of the Policy of 2012(Annexure P-7), justifies the action taken by the respondent-Bank as charges against the petitioner revolve around the allegation of fraud and *mala fide*.

OBSERVATIONS AND ANALYSIS

10. Having heard learned counsel for the parties and after perusing the record of the case, this Court is of the considered opinion that the following provisions ought to be studied for just adjudication of the case:

Policy of 2012

> ***"10.2(c)*** *Based on IRs/special reports/complaints once comments of concerned official has been called for and replies/views were submitted by him, the competent authority will take a view for dropping or otherwise,* ***normally within a period of six months from the date, when views/comments of that official are received. If the competent authority does not take any decision within the stipulated period, the concerned official will not be***

subjected to staff side action, if lapses are further identified through an investigation report. *However, in such cases, the HO will examine the reasons for delay and if required, will take appropriate action against the officials who are responsible for such delay.*

10.2(d) *Further, in case of investigation conducted subsequent to two Regular inspections after sanction/disbursement of credit facilities, no fresh "pre sanction lapses" other than those pointed out through Regular Inspection Report be considered for fixing of accountability unless there is element of fraud / malafide etc., within the following stipulations:*

(i) If the fraud has been perpetrated by the borrower on the bank, the clause of two successive inspection report shall continue.

(ii) In case of malafide action or collusion of staff with the borrower or fraud is perpetrated on bank by the staff members, then the time line shall not be applicable.

(iii) If a fraud is perpetrated/committed by any staff member, stern action will be taken against such staff member in terms of this policy." (emphasis added)

The Policy of 2024

3.3 Fraud Reported Accounts:

3.3.1 Reporting of fraud cases will be done as per the provisions of Fraud Risk and Investigation Management Function Policy. Investigation in frauds cases will be carried out irrespective of amount, within the following stipulations –

(i) If the fraud has been perpetrated by the borrower on the bank, the clause of four years shall continue.

(ii) In case of malafide action or collusion of staff with the borrower or fraud is perpetrated on bank by the staff members, then the time line shall not be applicable.

(iii) If a fraud is perpetrated/committed by any staff member, stern action will be taken against such staff member in terms of this policy.

3.3.2. In cases wherein staff accountability was examined & subsequently a fraud (Borrowal or Non-Borrowal) has been reported, after investigation/reinvestigation, the matter shall be placed before HOSAC again to peruse the reasons/ causative factors of fraud based on Forensic Audit/ Fraud Monitoring Report (FMR) or investigation report(s).

The Regulations of 2010

"45. Disciplinary proceedings after retirement.

*(1)**An officer or employee who is under suspension on a charge of misconduct and who attains the age of superannuation, shall be deemed to be in service even after the age of superannuation for the specific purpose of continuation and conclusion of the disciplinary proceedings and issue of final orders thereon.***

(2)The officer or employee who is under suspension shall not be eligible for any subsistence allowance for the period beyond the date of superannuation.

*(3)The officer or employee against whom disciplinary proceeding has been initiated **shall cease to be in service on the date of superannuation** but the disciplinary proceeding shall continue as if he was in service until the proceedings are concluded and final order is passed in respect thereof.*

*(4)**The officer or employee against whom disciplinary proceedings has been initiated shall not receive any pay and/or allowances after the date of superannuation and also not be entitled for the payment of retirement benefits till the proceeding is completed and final order is passed thereon except his own contribution to Contributory Provident Fund (CPF).***

Explanation. - For the purposes of this regulation, the normal retirement benefits such as encashment of privilege leave and Gratuity may be withheld till the completion of the disciplinary proceeding and passing of final order by the Competent Authority and the release of benefits shall be as per the final order of the Competent Authority." (emphasis added)

The Regulations of 2018

"46. Recovery of pecuniary loss caused to the Bank.-

(1) The competent authority may withhold or withdraw a pension or a part there of, whether permanently or for a specified period, and order recovery from pension of the whole or part of any pecuniary loss caused to the Bank if in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence or criminal breach of trust or forgery or acts done fraudulently during the period of his service:

Provided that before passing any final orders under this sub-regulation, the Board shall be consulted:

Provided further that where a part of pension is withheld or withdrawn the amount of pension drawn by a pensioner shall not be less than the minimum pension payable under these regulations:

Provided also that departmental proceedings, if instituted while the employee was in service, shall, after the retirement of the employee, be deemed to be the proceedings under these regulations and shall be continued and concluded by the authority by which they were commenced in the same manner as if the employee had continued service.

(2) ***No departmental proceedings shall be initiated in respect of an event if more than four years time lapsed, after the event:***

Provided that the disciplinary proceedings initiated under this sub-regulation shall be in accordance with the procedure *applicable to disciplinary proceedings in relation to the employee during the period of his service.*

(3) Where the competent authority orders recovery of pecuniary loss from the pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of the employee." (emphasis added)

11. Clause 46 of the Regulations of 2018 clearly indicates that the same refers to recovery of any pecuniary loss suffered by the respondent-Bank. However, the present case pertains to continuation of disciplinary proceedings beyond the date of superannuation of the petitioner, which is permissible under Clause 45 of the Regulations of 2010 (Annexure P-29). Moreover, it is trite law that an employee cannot be allowed to go scot-free with respect to disciplinary proceedings initiated against him during his service, merely because he has retired. Reliance in this regard can be placed on the judgment rendered by a three-Judge bench of the Hon'ble Supreme Court in ***Mahanadi Coalfields(supra)*** wherein held that where disciplinary proceedings are initiated before the superannuation, the same would continue even after the retirement, as it must be taken to its logical conclusion. Speaking through Justice M.R. Shah, the following was held:

"10.30 In view of the various decisions, it is apparent that under Rule 34.2 of the CDA Rules inquiry can be held in the same manner as if the employee had continued in service and the appropriate major and minor punishment commensurate to guilt can be imposed including dismissal as provided in Rule 27 of the CDA Rules and apart from that in case pecuniary loss had been caused that can be recovered. Gratuity can be forfeited wholly or partially.

10.31 ***<u>Several service benefits would depend upon the outcome of the inquiry, such as concerning the period during which inquiry remained pending. It would be against the public policy to permit an employee to go scot-free after collecting various service benefits to which he would not be entitled, and the event of superannuation cannot come to his rescue and would amount to condonation of guilt.</u>*** *Because of the legal fiction provided under the rules, it can be completed in the same manner as if the employee had remained in service after superannuation, and appropriate punishment can be imposed. Various provisions of the Gratuity Act discussed above do not come in the way of departmental inquiry and as provided in Section 4(6) and Rule 34.3 in case of dismissal gratuity can be forfeited wholly or partially, and the loss can also be recovered. An inquiry can be continued as provided under the relevant service rules as it is not provided in the Payment of Gratuity Act, 1972 that inquiry shall come to an end as soon as the employee attains the age of superannuation. We reiterate that the Act does not deal with the matter of disciplinary inquiry, it contemplates recovery from or forfeiture of gratuity wholly or partially as per misconduct committed and does not deal with punishments to be imposed and does not supersede the Rules 34.2 and 34.3 of the CDA Rules. The mandate of Section 4(6) of recovery of loss provided under Section 4(6)(a) and forfeiture of gratuity wholly or partially under Section 4(6)(b) is furthered by the Rules34.2 and 34.3. If there cannot be any dismissal after superannuation, intendment of the provisions of Section 4(6) would be defeated. The provisions of section 4(1) and 4(6) of Payment of Gratuity Act, 1972 have to be given purposive interpretation, and no way interdict holding of the departmental inquiry and punishment to be imposed is not the subject matter dealt with under the Act.*

10.32 Thus considering the provisions of Rules 34.2 and 34.3 of the CDA Rules, ***the inquiry can be continued given the deeming fiction in the same manner as if the employee had continued in service and appropriate punishment, including that of dismissal can be imposed apart from the forteiture of the gratuity wholly or partially including the recovery of the pecuniary loss as the case may be.****"*

Further therein, speaking through Justice Ajay Rastogi, the following was opined:

"17. The Scheme of Rules, 1978 with which we are presently concerned was earlier examined by a two Judge Bench of this Court in the case of ***Jaswant Singh Gill v. Bharat Coking Coal Ltd. & Ors. 2007(1) SCC 663****. The view expressed by the two Judge Bench of this Court came up for consideration in the instant case before another two Judge Bench of this Court and this Court was of the view that in Jaswant Singh Gill(supra), the issue of permissibility of penalty of dismissal or removal from service on a retired employee was neither raised nor any direct discussion has been followed thereupon and taking note of the stated parimateria Rule 19(3) of the State Bank of India Officers Service Rules, 1992 examined by the three Judge Bench of this Court in* ***State Bank of India v. Ram Lal Bhaskar and Another 2011(10) SCC 249*** *and keeping in view the discussion in the case of Jaswant Singh Gill(supra), the two Judge Bench of this Court was of the view that the question as to whether the disciplinary authority has necessary powers to impose penalty of dismissal or removal to an employee after retirement from service requires to be examined by a larger Bench of this Court by its judgment dated 29th October, 2013 which has been placed before us for consideration.*

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22. Under the scheme of Rules 1978, apart from the procedure which has to be followed for imposing minor/major penalties after holding a procedure prescribed under Rule 29 or 31 of the scheme of Rules, special procedure has been provided under Rule 34 for meeting out certain exigencies. Rule 34.1 is couched with a non-obstante clause which could be invoked in the special circumstances indicated under clauses (i) to (iii) notwithstanding a procedure for holding a disciplinary inquiry provided under Rule 29 or 31 of the Rules while inflicting penalties specified under Rule 27 of the Rules. At the same time, for the delinquent employee who stood retired from service pending disciplinary enquiry, a special procedure has been provided under Rule 34.2 to continue and conclude such disciplinary proceedings in the same manner as if the delinquent employee had deemed to be continued in service for all practical purposes and with the aid of Rule 31.3 which cannot exist without Rule 34.2, the authority competent may withhold the payment of gratuity during pendency of the disciplinary proceedings and order for recovery from gratuity of the whole or part of the pecuniary loss caused to the company, if the delinquent employee is later held to be guilty of offences/misconduct or it has caused any pecuniary loss to the company by misconduct or negligence during discharge of official duties as a measure of penalty mentioned under Rule 34.3 of the Rules, 1978 or under sub-section (6) of Section 4 of the Act, 1972. At the same time, if the delinquent employee is exonerated in the disciplinary inquiry, he will be entitled for the gratuity in the event of delayed payment in terms of Section 7(3) and 7(3A) of Act, 1972.

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27. ***It is also well settled that the competence of an authority to hold an enquiry or to continue enquiry against an employee who has retired from service depends upon the scheme of rules***

> ***<u>and the terms and conditions of service of the employee are the determining factors as to whether and in what manner the disciplinary enquiry can be held against an employee who stood retired or superannuated from service.</u>***" (emphasis added)

12. Further still, it is not the case of the petitioner that the show cause notice was issued by the concerned authority sans jurisdiction. As such, since no rights of the petitioner have been influenced owing to any punishment imposed by the disciplinary authority, it would be premature to consider the present writ petition. Reliance in this regard can be placed on ***Union of India vs. Kunisetty Satyanarayana 2007(1) SCT 452,*** wherein, speaking through Justice Markandey Katju, the following was observed:

> *"12. It is well settled by a series of decisions of this Court that ordinarily no writ lies against a charge sheet or show-cause notice vide* ***Executive Engineer, Bihar State Housing Board v. Ramdesh Kumar Singh and others, JT 1995(8) SC 331, Special Director and another v. Mohd. Ghulam Ghouse and another, 2004(1) SCT 671 (SC) : AIR 2004 Supreme Court 1467, Ulagappa and others v. Divisional Commissioner, Mysore and others, 2001(10) SCC 639, State of U.P. v. Brahm Datt Sharma and another, AIR 1987 Supreme Court 943*** *etc.*
>
> *13.* ***<u>The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may</u>***

drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. *It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance.*

14. Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge sheet.

15. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter." (emphasis added)

13. Lastly, it is settled law that this Court may only exercise its powers under Article 226 of the Constitution of India when the findings recorded in lieu of a disciplinary action, are arbitrary, tainted with procedural illegality or manifest any prejudice. This Court cannot reappreciate the matter on merits and substitute the conclusion drawn by the concerned authority with its own. Tritely, a High Court cannot sit in appeal with respect to the decision arrived in pursuance of disciplinary proceedings. As such, this Court must confine itself to ensuring that the findings rendered are justified by the material available on record, that the proceedings were conducted in compliance with the prescribed procedure as well as the principles of natural justice and that the penalty imposed is proportional to the misconduct.

14. A two-Judge Bench of the Hon'ble Supreme Court in ***Union of India vs. P. Gunasekaran, (2015) 2 SCC 610,*** speaking through Justice Kurian Joseph, made the following observations in this regard:

> *"12. 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, reappreciating even the evidence before the enquiry officer. The finding on Charge 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 Articles 226/227 of the Constitution of India, shall not venture into reappreciation 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.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

(i) reappreciate 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.” (emphasis added)

Reliance in this regard may also be made to the judgements rendered in ***B.C. Chaturvedi vs. Union of India*, (1995) 6 SCC 749** and ***Indian Oil Corpn. Ltd. vs. Ashok Kumar Arora*, (1997) 3 SCC 72.**

15. Furthermore, a two-Judge Bench of the Hon’ble Supreme Court in ***S.R. Tewari vs. Union of India, (2013) 6 SCC 602***, speaking through Justice B.S Chauhan, made the following observations in this regard:

“29. In Union of India v. R.K. Sharma [(2001) 9 SCC 592 : 2002 SCC (Cri) 767 : AIR 2001 SC 3053] , this Court explained the observations made in Ranjit Thakur [Ranjit Thakur v. Union of India, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] observing that if the charge was ridiculous, the punishment was harsh or strikingly disproportionate it would warrant interference. However, the said observations in Ranjit Thakur [Ranjit Thakur v. Union of India, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] are not to be taken to mean that a court can, while exercising the power of judicial review, interfere with the punishment merely

because it considers the punishment to be disproportionate. ***It was held that only in extreme cases, which on their face, show perversity or irrationality, there could be judicial review and courts should not interfere merely on compassionate grounds.***

30. The findings of fact recorded by a court can be held to be perverse if the findings have been arrived at by ***ignoring or excluding relevant material or by taking into consideration irrelevant/inadmissible material. The finding may also be said to be perverse if it is "against the weight of evidence", or if the finding so outrageously defies logic as to suffer from the vice of irrationality. If a decision is arrived at on the basis of no evidence or thoroughly unreliable evidence and no reasonable person would act upon it, the order would be perverse.*** *But if there is some evidence on record which is acceptable and which could be relied upon, the conclusions would not be treated as perverse and the findings would not be interfered with. (Vide Rajinder Kumar Kindra v. Delhi Admn. [(1984) 4 SCC 635 : 1985 SCC (L&S) 131 : AIR 1984 SC 1805] , Kuldeep Singh v. Commr. of Police [(1999) 2 SCC 10 : 1999 SCC (L&S) 429 : AIR 1999 SC 677] , Gamini Bala Koteswara Rao v. State of A.P. [(2009) 10 SCC 636 : (2010) 1 SCC (Cri) 372 : AIR 2010 SC 589] and Babu v. State of Kerala [(2010) 9 SCC 189 : (2010) 3 SCC (Cri) 1179] .)*

31. ***Hence, where there is evidence of malpractice, gross irregularity or illegality, interference is permissible****."* (emphasis added)

CONCLUSION

16. In view of the discussion above, the present petition is dismissed. Needless to say, nothing observed herein above shall be construed to be an observation made by this Court with respect to the merits of the case, lest it

may prejudice the proceedings. The concerned disciplinary authority is at liberty to continue with the disciplinary proceedings on its own merits.

17. Nothing observed herein shall be construed upon the merits of the present case.

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

(HARPREET SINGH BRAR)
JUDGE

September 04, 2025
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No