



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

CWP-29427-2025

Sukhmander Singh and another

...Petitioners

Versus

Shiromani Gurudwara Prabandhak Committee and another

...Respondents

Reserved on: 18.11.2025

Pronounced on: 17.12.2025

Uploaded on: 17.12.2025

Whether only the operative part of the judgment is pronounced?

No

Whether full judgment is pronounced?

Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. R.K. Grewal, Advocate
for the petitioners.

Mr. Gurvinder Singh Sidhu, Advocate
for respondent No.1.

HARPREET SINGH BRAR, J.

1. The present petition has been preferred under Article 226/227 of the Constitution of India seeking issuance of an appropriate writ for quashing the impugned order dated 16.06.2021 (Annexure P-3) passed by respondent No.2-Rajinder Kaur, Former Member, Local Gurudwara Prabandhak Committee, Jaito, whereby the petitioners were dismissed from service as Clerk and Sewadar, respectively.

FACTUAL BACKGROUND

2. Briefly, the facts, as alleged, are that petitioner No.1 was appointed as a Helper by respondent-SGPC vide order dated 04.01.2011. In the year



2015-16, he was promoted to the post of Clerk. Similarly, petitioner No.2 was appointed as Sewadar by respondent-SGPC in the year 2011. Both the petitioners were serving at Gurudwara Gangsar Sahib, Jaito, District Faridkot since the year 2005 as permanent employees of respondent-SGPC. The Gurudwara Sahib was under the administration of Local Gurudwara Prabandhak Committee, managed by respondent No.2, however, in the year 2010, it came under direct control and supervision of respondent-SGPC.

3. Respondent No.2 submitted a complaint to respondent-SGPC, that during the intervening night of 7/8.06.2021, the petitioners brought two unknown ladies to the Kalgidhar Niwas Inn at the aforesaid Gurudwara Sahib. It was further stated that they also brought objectionable items like liquor and meat to the Gurudwara premises. During the subsequent inspection conducted by the Gursanjukt Singh, member of the Flying Committee, liquor bottles, meat and condoms were recovered from the historical well situated near the Kalgidhar Niwas Inn. An FIR bearing No.0090 dated 15.06.2021 (Annexure P-2) under Section 295-A of the Indian Penal Code, 1860 (hereinafter 'IPC') was also registered by respondent No.2 at Police Station Jaito against them. Consequently, the petitioners were taken into custody on 16.06.2021. Further, vide impugned order dated 16.06.2021 (Annexure P-3), the petitioners were also dismissed from service.

CONTENTIONS

4. Learned counsel for the petitioners submitted that a complaint was registered by respondent No.2 against the petitioners merely on the basis of hearsay. The petitioners only found out about the said complaint when



petitioner No.1 was transferred from Gurudwara Gangsar Sahib, Jaito to Takht Sri Keshgarh Sahib, Anandpur Sahib, Ropar. Further, they were dismissed from service vide impugned order dated 16.06.2021 (Annexure P-3) without issuing any show cause notice or providing an opportunity of being heard. Further, respondent-SGPC is a statutory authority falling within the ambit of Article 12 of the Constitution of India in terms of ***Mewa Singh vs. Shiromani Gurudwara Prabandhak Committee 1999 AIR SC 688***. The petitioners being employees of respondent-SGPC are covered by the Service Rules (Annexure P-4), in terms of Section 85 of the Sikh Gurudwaras Act, 1925. Rule 3D of the Service Rules require a charge sheet to be issued to the accused within a period of 15 days and subsequently, allow them a week's time to file a reply. Thereafter, the complete case ought to be forwarded to the Head Office within a month for necessary action. Contrary to the Rules, the petitioners were issued termination orders, without following the prescribed procedure.

5. He further submitted that earlier, the petitioners had preferred CWP-20050-2021 titled '*Sukhmander Singh and another vs. State of Punjab and others*' seeking a similar relief. In furtherance thereof, notice of motion as well as notice of stay were also issued vide order dated 12.10.2021 (Annexure P-5). However, the learned counsel for respondent-SGPC, in its reply, submitted that the petitioners had not availed their alternate remedy of appeal ultimately resulting in withdrawal of the said writ petition as discernible from order dated 18.11.2024 (Annexure P-7). Thereafter, the petitioners preferred an appeal against their termination before the Sikh Gurudwara Judicial Commission, Amritsar and vide order dated 06.03.2025 (Annexure P-9) it was observed that the Commission does not have the jurisdiction to entertain



matters pertaining to service of the respondent-SGPC and that the same lies with this Court.

6. Learned counsel contends that the petitioners had been in service for over 14 years and had an unblemished service record. By virtue of their status as permanent employees, the drill of Rules 3, 4 and 5 of the Service Rules was to be mandatorily followed. Even so, the petitioners were suspended orally on 15.06.2021 and were also not provided with a copy of the suspension order. Moreover, the reasons for suspension were required to be reduced in writing, which was not done in the present case. As stated above, the petitioners were neither apprised of the charges against them by means of a charge sheet nor were they granted an opportunity to defend themselves by filing a reply. Furthermore, the petitioners were not caught red-handed and there is no evidence to connect the items allegedly recovered from the well to the petitioners.

7. *Per contra*, learned counsel for respondent-SGPC submitted that the petitioners has engaged in illicit relations with women and also consumed meat and alcohol on the Gurudwara premises. The empty bottles, bones and condoms were also recovered from the well near the inn where the petitioners had brought the women, which is indicative of the gravest moral turpitude. He presented the inquiry report provided at Annexure R-2/1 with **CWP-20050-2021**, a previous writ petition filed by petitioner No.1, in Court and submitted that a proper inquiry was also conducted in this regard where, after giving them an opportunity to be heard, it was recommended that strict departmental action be taken. The series of events are self-evident, however, statements of witnesses were also recorded during the inquiry. Thus, the principles of natural



justice have been upheld throughout the process. Accordingly, the petitioners were dismissed from service vide impugned order dated 16.06.2021 (Annexure P-3). In fact, an FIR bearing No.0090 dated 15.06.2021 (Annexure P-2) under Section 295-A IPC at Police Station Jaito was also registered against them. Such conduct from the office-bearers of the respondent, an organization established for proper management of Gurudwara Sahibs, is especially deplorable. Thus, no concession can be claimed by the petitioners.

OBSERVATIONS AND ANALYSIS

8. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the impugned dismissal order dated 16.06.2021 (Annexure P-3) has been correctly passed after conducting an inquiry into the alleged occurrence. Petitioner No.1 had previously approached this Court by means of **CWP-20050-2021** wherein the inquiry report was provided at Annexure R-2/1. A perusal of the same clearly indicates that the petitioners were given an adequate opportunity to be heard. Further, witnesses were duly examined to conclude that the petitioners deserved strict departmental action.

9. Rule 4 of the applicable Service Rules, which govern the process of termination of an employee, reads as follows:

“(4) Termination (Maukufi)

(A) The employees can be dismissed only by his appointing authority as per the following rules, but an appeal against the termination made by the President can be filed before the Executive Committee within a period of thirty days from the date of termination.

(B) In case of any punishment (suspension, termination, fine, warning etc.) given to the employees of Gurdwaras and all the departments under the charge of Shiromani Gurdwara Prabandhak Committee, the concerned employee can file an appeal against the same within 30 days



from the date of passing of order against him.

(1) Any employee of Shiromani committee can be terminated, degraded or removed due to his misconduct, malafide intention, taking liquor or falling in bad vices, but before his termination, degradation or removal he would be served with the charges leveled against him in writing in the form of charge-sheet duly appended by one Statement of charges, on the basis of which the charge-sheet has been framed against him, shall also be supplied. The reply to such charges shall also be taken from the employees within stipulated period and if he refuses to admit the charges or seeks enquiry in that regard or the executive committee deems it proper then the enquiry into the said charges will be got conducted in the presence of employee and on every item of charge-sheet, which he denies, in that regard the evidence shall be taken in that regard in his presence and the employee will also be permitted to cross-examine the witnesses. If the employee wants to lead his defence evidence, then the same will also be considered for some reasons, which would be necessary to bring into notice in writing. If the inquiry committee deems it proper that there is no need for any particular defence evidence, then no permission will be given to lead the same. On proving the charge, action will be taken against the employee. There will be no need to adopt the abovesaid method in case of temporary or under probation employees, they can be removed by the committee whenever it desires to do so.

(2) If the employee wants to present any official record or any document etc. in his defence then he will be permitted to do so and if the copies of the same is required by the employee then the same will be provided to him without any objection and he will also be permitted to inspect the concerned record free of cost.

(3) Every such employee who has been terminated or degraded or removed, the of executive copies of final order committee and the inquiry committee reports in that regard shall be provided to him free of cost.

(4) (a) removal record against the employees shall not be destroyed for three years; rather it will be kept under safe custody. The termination, degradation or

(b) The employee who after his suspension by holding innocent without any punishment is reinstated in service, he shall be entitled for remaining salary of suspension period.



(5) The Gurdwara Committee at the time of termination or removal of any of its employee, would send the information of the same to Shiromani Gurdwara Prabandhak Committee and the employee dismissed by Shiromani Committee or any Gurdwara committee, be not engaged by any other committee without the permission of committee who has removed him and no work be got from him, but in special circumstances, such person can be recruited as employee in other committee with the permission of Shiromani committee. But in the inquiry of Shiromani committee, if it is proved that such person is accused of embezzlement, dishonesty or immorality, then the Shiromani Gurdwara Prabandhak Committee shall not permit to engage such person.”

A study of the abovementioned provision indicates that the services of any employee can be terminated for misconduct, consumption of alcohol and falling in bad vices. Evidently, the conduct of the petitioners satisfies this criterion. Further, the provision calls for serving a chargesheet upon the delinquent employee, receiving his reply and conducting an inquiry, if necessary. The overarching goal of the said procedure is clearly to ensure that the delinquent employee is not left wanting for information with respect to the disciplinary proceedings initiated against him, which essentially amounts to honouring the principles of natural justice.

10. A two-Judge bench of the Hon'ble Supreme Court in ***State Bank of Patiala vs. S.K. Sharma (1996) 3 SCC 364***, speaking through Justice B.P. Jeevan Reddy, opined as follows in this regard:

*“12. It would be appropriate to pause here and clarify a doubt which one may entertain with respect to the principles aforesaid. **The several procedural provisions governing the disciplinary enquiries [whether provided by rules made under the proviso to Article 309 of the Constitution, under regulations made by statutory bodies in exercise of the power conferred by a statute or for that matter, by way of a statute] are nothing but elaboration of the principles of natural justice and their several facets.** It is a case of codification of the several facets of rule of audi alteram partem or the rule against bias. One may ask, if a decision arrived at in violation of principles of natural justice is void, how come a decision arrived at in violation of rules/regulations/statutory*



provisions incorporating the said rules can be said to be not void in certain situations. It is this doubt which needs a clarification - which in turn calls for a discussion of the question whether a decision arrived at in violation of any and every facet of principles of natural justice is void.

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34. We may summarise the principles emerging from the above discussion. [These are by no means intended to be exhaustive and are evolved keeping in view the context of disciplinary enquiries and orders of punishment imposed by an employer upon the employee]:

(1) An order passed imposing a punishment on an employee consequent upon a disciplinary/departmental enquiry in violation of the rules/regulations/statutory provisions governing such enquiries **should not be set aside automatically**. The Court or the Tribunal should enquire **whether (a) the provision violated is of a substantive nature, or (b) whether it is procedural in character.**

(2) A substantive provision has normally to be complied with as explained hereinbefore and the theory of substantial compliance or the test of prejudice would not be applicable in such a case.

(3) In the case of violation of a procedural provision, the position is this: **procedural provisions are generally meant for affording a reasonable and adequate opportunity to the delinquent officer/employee. They are, generally speaking, conceived in his interest. Violation of any and every procedural provision cannot be said to automatically vitiate the enquiry held or order passed. Except cases falling under 'no notice', 'no opportunity' and 'no hearing' categories, the complaint of violation of procedural provision should be examined from the point of view of prejudice, viz., whether such violation has prejudiced the delinquent officer/employee in defending himself properly and effectively.** If it is found that he has been so prejudiced, appropriate orders have to be made to repair and remedy the prejudice including setting aside the enquiry and/or the order of punishment. If no prejudice is established to have resulted therefrom, it is obvious, no interference is called for. In this connection, it may be remembered that there may be certain procedural provisions which are of a fundamental character, whose violation is by itself proof of prejudice. The Court may not insist on proof of prejudice in such cases. As explained in the body of the judgment, take a case where there is a provision expressly providing that after the evidence of the employer/government is over, the employee shall be given an opportunity to lead defence in his evidence, and in a given case, the enquiry officer does not give that opportunity in spite of the delinquent officer/employee asking for it. The prejudice is self-evident. No proof of prejudice as such need be called for in such a case. To repeat, the test is one of prejudice, i.e., whether the person has received a fair hearing considering all things. Now, this very aspect can also be looked at from the point of view of directory and mandatory provisions, if one is so inclined. The principle stated under (4) hereinbelow is only another way of looking at the same aspect as is dealt with herein and not a different or distinct principle.

(4)(a) In the case of a procedural provision which is not of a mandatory



character, the complaint of violation has to be examined from the standpoint of substantial compliance. Be that as it may, the order passed in violation of such a provision can be set aside only where such violation has occasioned prejudice to the delinquent employee.

*(b) In the case of violation of a procedural provision, which is of a mandatory character, it has to be ascertained whether the provision is conceived in the interest of the person proceeded against or in public interest. If it is found to be the former, then it must be seen whether the delinquent officer has waived the said requirement, either expressly or by his conduct. If he is found to have waived it, then the order of punishment cannot be set aside on the ground of said violation. If, on the other hand, it is found that the delinquent officer/employee has not waived it or that the provision could not be waived by him, then the Court or Tribunal should make appropriate directions [include the setting aside of the order of punishment], keeping in mind the approach adopted by the Constitution Bench in B. Karunakar. **The ultimate test is always the same viz., test of prejudice or the test of fair hearing, as it may be called.***

(5) Where the enquiry is not governed by any rules/regulations/statutory provisions and the only obligation is to observe the principles of natural justice or, for that matter, wherever such principles are held to be implied by the very nature and impact of the order/action the Court or the Tribunal should make a distinction between a total violation of natural justice [rule of audi alteram partem] and violation of a facet of the said rule, as explained in the body of the judgment. In other words, a distinction must be made between "no opportunity" and no adequate opportunity, i.e., between "no notice"/"no hearing" and "no fair hearing".

(a) In the case of former, the order passed would undoubtedly be invalid [one may call it "void" or nullity if one chooses to]. In such cases, normally, liberty will be reserved for the Authority to take proceedings afresh according to law, i.e., in accordance with the said rule audi alteram partem.

(b) But in the latter case, the effect of violation [of a facet of the rule of audi alteram partem] has to be examined from the standpoint of prejudice; in other words, what the Court or Tribunal has to see is whether in the totality of the circumstances, the delinquent officer/employee did or did not have a fair hearing and the orders to be made shall depend upon the answer to the said query. It is made clear that this principle No. 5 does not apply in the case of rule against bias, the test in which behalf are laid down elsewhere.

(6) While applying the rule of audi alteram partem [the primary principle of natural justice] the Court/Tribunal/Authority must always bear in mind the ultimate and over-riding objective underlying the said rule, viz., to ensure a fair hearing and to ensure that there is no failure of justice. It is this objective which should guide them in applying the rule to varying situations that arise before them.

(7) There may be situations where the interests of state or public interest may call for a curtailing of the rule of audi alteram partem. In such situations, the Court may have to balance public/State interest with the



requirement of natural justice and arrive at an appropriate decision.”

(emphasis added)

Furthermore, a three-Judge bench of the Hon'ble Supreme Court in *K.L. Tripathi vs. State Bank of India (1984) 1 SCC 43*, while highlighting the importance of fair play in administrative, judicial and quasi-judicial actions opined that it must be seen whether any deviation from principles of natural justice has caused any prejudice. Speaking through Justice Sabyasachi Mukharji, the following was held:

“41. It is true that all actions against a party which involve penal or adverse consequences must be in accordance with the principles of natural justice but whether any particular principle of natural justice would be applicable to a particular situation or the question whether there has been any infraction of the application of that principle, has to be judged, in the light of facts and circumstances of each particular case. The basic requirement is that there must be fair play in action and the decision must be arrived at in a just and objective manner with regard to the relevance of the materials and reasons. We must reiterate again that the rules of natural justice are flexible and cannot be put on any rigid formula. In order to sustain a complaint of violation of principles of natural justice on the ground of absence of opportunity of cross-examination, it has to be established that prejudice has been caused to the appellant by the procedure followed. See in this connection the observations of this Court in the case of *Jankinath Sarangi v. State of Orissa, (1969)3 SCC 392*. Hidayatullah, C.J., observed there at page 394 of the report "there is no doubt that if the principles of natural justice are violated and there is a gross case this Court would interfere by striking down the order of dismissal; but there are cases and cases. **We have to look to what actual prejudice has been caused to a person by the supposed denial to him of a particular right.**" Judged by this principle, in the background of the facts and circumstances mentioned before, we are of the opinion that there has been no real prejudice caused by infraction of any particular rule of natural justice of which appellant before us complained in this case. See in this connection observations of this Court in the case of *Union of India & Anr. v. P.K. Roy & Ors, 1968 S.L.R. 104 : (1968)2 SCR 186*, where this Court reiterated that "the doctrine of natural justice cannot be imprisoned within the strait-jacket of a rigid formula and its application depends upon the nature of the jurisdiction conferred on the administrative authority, upon the character of the rights of the persons affected, the scheme and policy of the statute and other relevant circumstances disclosed in a particular case". See also in this connection the observations of Hidayatullah, C.J., in the case of *Channabasappa Basappa Happali v. State of Mysore, AIR 1972*



Supreme Court 32 : (1971)2 SCR 645. In our opinion, in the background of facts and circumstances of this case, the nature of investigation conducted in which the appellant was associated, there has been no infraction of that principle. In the premises, for the reasons aforesaid, there has been in the facts and circumstances of the case, no infraction of any principle of natural justice by the absence of a formal opportunity of cross-examination. Neither cross-examination nor the opportunity to lead evidence by the delinquent is an integral part of all quasi-judicial adjudications.”

(emphasis added)

11. Adverting to the matter at hand, the petitioners have claimed that the failure of the respondent to issue a show cause notice and a chargesheet has rendered the disciplinary action untenable. However, at no point has he claimed that he was prejudiced by lack thereof. Nothing on the record reflects that the petitioners were blindsided by the disciplinary authorities. Moreover, the issue raised by the petitioners pertains to strict adherence to the Service Rules, without stating what seemed to be lacking in the procedure adopted by the respondent. A perusal of the inquiry report (Annexure R-2/1 in CWP-20050-2021) indicates that not only were the petitioners aware of the allegations levelled against them, they were also given an opportunity to present their defence. While denying their involvement, the petitioners have also recorded an apology for the harm caused to the reputation of the institution. It must also be recognized that in context of disciplinary proceedings, the standard of proof is not beyond reasonable doubt. Thus, the petitioners cannot expect the disciplinary proceedings to be conducted as a trial and challenge the veracity of conclusion drawn merely because of an unfounded belief of personal vendetta.

12. Pertinently, a two-Judge bench of the Hon’ble Supreme Court in ***Diljit Singh Bedi vs. Shrimoni Gurudwara Prabhandak Committee (2011) 5 SCC 417*** opined that the dismissal of an employee, who was terminated from



service for bad character, would be valid if it was preceded by an inquiry.

Speaking through Justice A.K. Patnaik, the following was held:

“10. We find on a reading of Rule 4 of the Service Rules that an employee of the SGPC can be dismissed from service for bad character only after the charges of misconduct are established in an inquiry conducted by an inquiry committee. Thus, though the Executive Committee of the SGPC may have the power under Section 69 of the Act and the Rules made thereunder to terminate the services of any employee of the SGPC, it can terminate the services of any employee for misconduct, only when such misconduct is established in an inquiry. It appears from the inquiry report dated 01.12.2007 of the Sub-Committee constituted by the Executive Committee of the SGPC that the Sub-Committee had accepted the explanation of the appellant that the photographs which were published in the local newspapers were of his wife. Thus, without a finding in an inquiry that the appellant was guilty of conduct which had defamed the SGPC, the High Court could not have taken a view in the impugned order that the appellant had brought a bad name to the SGPC and he had been rightly relieved from service.”

(emphasis added)

13. In that vein, the significant aspect of moral turpitude involved in the case at hand cannot be ignored. While no specific definition has been provided for the phrase ‘moral turpitude,’ a two-Judge bench of the Hon’ble Supreme Court in ***State Bank of India and others vs. P. Soupramaniae (2019) 18 SCC 135*** discussed the meaning thereof in detail and speaking through Justice L. Nageshwar Rao, held as follows:

“7. ‘Moral Turpitude’ as defined in the Black's Law Dictionary (6th ed.) is as follows:

"The Act of baseness, vileness, or the depravity in the private and social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man. ”

"implies something immoral in itself regardless of it being punishable by law"; "restricted to the gravest offences, consisting of felonies, infamous crimes, and those that are malum in se and disclose a depraved mind”

According to Bouvier's Law Dictionary, 'Moral Turpitude' is:



"An act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man."

Burton Legal Thesaurus defines 'Moral Turpitude' as:

"Bad faith, bad repute, corruption, defilement, delinquency, discredit, dishonor, shame, guilt, knavery, misdoing, perversion, shame, ice, wrong."

8. There is no doubt that there is an obligation on the Management of the Bank to discontinue the services of an employee who has been convicted by a criminal court for an offence involving moral turpitude. Though every offence is a crime against the society, discontinuance from service according to the Banking Regulation Act can be only for committing an offence involving moral turpitude. **Acts which disclose depravity and wickedness of character can be categorized as offences involving moral turpitude. Whether an offence involves moral turpitude or not depends upon the facts** [Allahabad Bank v. Deepak Kumar] **Bhola and the circumstances** [Pawan Kumar v. State of Haryana, 1996(3) S.C.T 339 : (1996) 4 SCC 17] of the case. **Ordinarily, the tests that can be applied for judging an offence involving moral turpitude are:**

[10] Sushil Kumar Singhal (supra)

a) Whether the act leading to a conviction was such as could shock the moral conscience or society in general;

b) Whether the motive which led to the act was a base one, and

c) Whether on account of the act having been committed the perpetrators could be considered to be of a depraved character or a person who was to be looked down upon by the society. [Mangali v. Chakki Lal, AIR 1963 Allahabad 527]

The other important factors that are to be kept in mind to conclude that an offence involves moral turpitude are :- the person who commits the offence; the person against whom it is committed; the manner and circumstances in which it is alleged to have been committed; and the values of the society. [Jorabhai Hirabhai Rabari v. District Development Officer, Mehsana, AIR 1996 Gujarat] . According to the National Incident - Based Reporting System (NIBRS), a crime data collection system used in the United States of America, each offence belongs to one of the three categories which are: crimes against persons, crimes against property, and crimes against society. Crimes against persons include murder, rape, and assault where the victims are always individuals. The object of crimes against property, for example, robbery and burglary is to obtain money, property, or some other



*benefits. Crimes against society for example gambling, prostitution, and drug violations, represent society's prohibition against engaging in certain types of activities. Conviction of any alien of a crime involving moral turpitude is a ground for deportation under the Immigration Law in the United States of America. **To qualify as a crime involving moral turpitude for such purpose, it requires both reprehensible conduct and scienter, whether with specific intent, deliberateness, willfulness or recklessness.***”

14. Multiple witnesses, including Lakhbir Singh (Sewadar), Gurmeet Singh Kalu, and Sukhwinder Singh Babbi, came to the fore during the inquiry, stating that the petitioners were seen in the company of women and confirming that they stayed at the inn with them. It was further stated that petitioner-Sukhmander Singh had previously been involved in similar acts. The act of bringing women into the holy premises for illicit purposes, and consuming alcohol and meat therein, is wholly unbecoming of an office-bearer of the respondent-SGPC. Not only did the entire scandalous incident unfold in public view, thereby severely undermining the sanctity of the institution, but the recovery of liquor bottles, meat, bones, and contraceptives from the well near the inn where the petitioners and the aforementioned women were staying caused further public outrage. In light of such pronounced misconduct, the facts become incontrovertible, particularly as the statements of the witnesses buttress the complaint. A fiduciary relationship exists between the caretakers of a religious institution and the community it serves. By conducting themselves in this manner, the petitioners have not only betrayed the oath undertaken to serve the institution but have also gravely eroded public trust. Undoubtedly, this flagrant disregard for the dignity and integrity of the institution renders the petitioners unsuitable for continued service with the respondent. Moreover, the nature of the allegations essentially makes the petitioners *persona non grata* within the Gurudwara Sahib



not only in the eyes of the management but also of the community they serve. In such circumstances, reinstatement on superficial procedural grounds would be wholly inappropriate.

15. In terms of the judgment rendered by a Constitutional bench of the Hon'ble Supreme Court in *Amalendu Ghosh vs. North Eastern Railway, AIR 1960 SC 992*, the purpose of holding an inquiry is to establish the occurrence of a misconduct and thereafter, to pass appropriate punishment, if found necessary. Considering that the misconduct of the petitioners indicates gravest moral turpitude, in the given context, insisting on an exhaustive disciplinary proceeding becomes rudimentary, especially in view of the fact that the termination order was supported by a proper inquiry. Lastly, a two Judge Bench of Hon'ble Supreme Court in *B.S. Hari Commandant vs. Union of India and Others 2023 SCC OnLine SC 413* has reiterated that the quantum of punishment must be proportionate to the alleged offence. Speaking through Justice Ahsanuddin Amanullah, the following was opined:

“33. In *Bhagat Ram v. State of Himachal Pradesh, (1983) 2 SCC 442*, it was opined:

“15. ... **It is equally true that the penalty imposed must be commensurate with the gravity of the misconduct, and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution...**” (emphasis supplied)

34. In *Ranjit Thakur v. Union of India, (1987) 4 SCC 611*, this Court, in the circumstances therein, commented, at paragraph no. 27, that:

“... the punishment is so strikingly disproportionate as to call for and justify interference. It cannot be allowed to remain uncorrected in judicial review.”

35. In *Andhra Pradesh Industrial Infrastructure Corporation Limited v. S N Raj Kumar, (2018) 6 SCC 410*, this Court exposted:

“ 20.... **In the realm of Administrative Law “proportionality” is a principle where the court is concerned with the process, method or manner in which the decision-maker has ordered his priorities and reached a conclusion or arrived at a decision. The very essence of decision-making consists in the attribution of relative**



importance to the factors and considerations in the case.
*The doctrine of proportionality thus steps in focus true nature of exercise — the elaboration of a rule of permissible priorities [Union of India v. G. Ganayutham, (1997) 7 SCC 463 : 1997 SCC (L&S) 1806]. De Smith [Judicial Review of Administrative Action (1995), para 13.085, pp. 601-605; see also, Wade : Administrative Law (2009), pp. 157-158, 306-308.] also states that “proportionality” involves “balancing test” and “necessity test”. **The “balancing test” permits scrutiny of excessive onerous penalties or infringement of rights or interests and a manifest imbalance of relevant considerations.** (emphasis supplied)”*

CONCLUSION

16. In view of the discussion above, this Court finds that no prejudice is caused to the petitioners in the manner the disciplinary proceedings have been conducted. The procedure has been substantially complied with and the punishment passed is also proportional to the misconduct, considering the element of moral turpitude in this specific job profile. Accordingly, the present petition is dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

17.12.2025

Neha

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