

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-32875-2025 (O&M)

Sunil Kumar

... Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

Reserved on: 07.11.2025
Pronounced on: 12.11.2025
Uploaded on: 14.11.2025

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: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Advocate
for the respondents.

HARPREET SINGH BRAR, J.

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 27.02.2024 (Annexure P-3) passed by respondent No.3, whereby punishment of stoppage of one annual increment without future effect was inflicted upon the petitioner and the appellate order

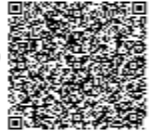


dated 30.07.2024 (Annexure P-4), dismissing the appeal.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was issued a charge-sheet under Rule 7 of the UHBVN (Punishment and Appeal) Regulations, 2018 (for short 'Regulations, 2018'), which pertains to major penalties. After submitting a detailed reply and attending a personal hearing, the disciplinary authority imposed a minor penalty without conducting any departmental enquiry as mandated under Rule 7 of Regulations, 2018. He relies upon a Full Bench judgment of this Court in ***Dr. K.G. Tiwari Vs. State of Haryana, 2002(2) SCT 915*** and the judgment passed by the Coordinate Bench of this Court in ***Hukam Singh Vs. Dakshin Haryana Bijli Vitran Nigam, 2020(4) SCT 144*** and contends that once a charge-sheet is issued for a major penalty, the full enquiry procedure must be followed even if a minor penalty is ultimately imposed. It is further submitted that the impugned orders are non-speaking and the same are passed in violation of the principles of natural justice.

3. *Per contra*, learned counsel for the respondents defends the impugned orders, by contending that the petitioner was given adequate opportunity, including a personal hearing and the minor penalty was imposed after considering his reply. He contended that no prejudice was caused to the petitioner and the procedure for minor penalties under Rule 8 of Regulations, 2018 was substantially complied with.

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

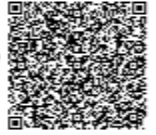


5. The factual matrix is undisputed. The petitioner was served with a charge-sheet dated 25.01.2022 (Annexure P-1) under Rule 7 of Regulations, 2018, which deals with major penalties. The petitioner submitted a detailed reply (Annexure P-2) and was granted a personal hearing. Subsequently, the disciplinary authority passed the order dated 27.02.2024 (Annexure P-3) imposing a minor penalty of stoppage of one annual increment without future effect, without conducting any departmental enquiry. The appellate authority dismissed the appeal vide order dated 30.07.2024 (Annexure P-4).

6. The core issue is whether the disciplinary authority, after issuing a charge-sheet for a major penalty under Rule 7 of Regulations, 2018, can impose a minor penalty without conducting a full departmental enquiry as envisaged under Rule 7 of Regulations, 2018.

7. The legal position on this issue is well-settled by the Full Bench of this Court in **Dr. K.G. Tiwari's** case (*supra*). The Full Bench, after analyzing Rules 7 and 8 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, which are *pari materia* to the UHBVN Regulations, held:

“27. Therefore, we are unable to concur with the view expressed by the Division Benches of this Court in Samay Singh's case and Puran Chand Sharma's case, and also in the Single Bench decision of the Delhi High Court in I.D. Gupta's case, and that of the Calcutta High Court in M.M. Dutta's case (cited supra), in so far as they hold that even in a case where the chargesheet is issued for imposing a major penalty, the disciplinary authority can still, without holding an enquiry under the relevant Rule for imposing a major penalty, impose a minor penalty. To that extent,



we hold that they are not good law. We also hold that the decision of the Hon'ble Supreme Court in Shadi Lal's case is not applicable to the facts of the cases our hand.

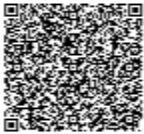
28. We hold that once the chargesheet is issued under Rule 7 of the Rules 1987 for the imposition of a major penalty, which envisages holding of a regular departmental enquiry, the disciplinary authority cannot by merely examining the reply to the chargesheet, inflict even a minor punishment without holding a complete departmental enquiry.”

(emphasis added)

8. Reliance in this regard may also be placed on **Hukam Singh**'s case (*supra*), where this Court set aside the penalty imposed without an enquiry after a charge-sheet was issued for a major penalty.

9. It is evident that the charge-sheet was issued under Rule 7 for a major penalty. However, the disciplinary authority imposed a minor penalty without conducting the requisite enquiry under Rule 7. This constitutes a gross procedural irregularity and violates the settled law laid down in **Dr. K.G. Tiwari**'s case (*supra*). The mere fact that the petitioner was given a personal hearing and an opportunity to reply does not cure this defect, as the Full Bench explicitly rejected the "no prejudice" argument.

10. In view of the discussions above, present writ petition is allowed in the terms of **Dr. K.G. Tiwari**'s case (*supra*). Consequently, impugned orders dated 27.02.2024 (Annexure P-3) and 30.07.2024 (Annexure P-4) are



unsustainable in law and the same are hereby set aside. The respondents are at liberty to initiate fresh proceedings, in accordance with law.

11. No order as to costs.

[HARPREET SINGH BRAR]
JUDGE

12.11.2025
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No