

2026:PHHC:088461



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3539-1998 (O&M)

Daler Singh

.... Petitioner

versus

Punjab State Civil Supplies Corporation (PUNSUP) through its Chairman and
others

..... Respondents

1.	Date when judgment was reserved	30.04.2026
2.	Date of pronouncement of judgment	01.07.2026
3.	Date of uploading the judgment	01.07.2026
4.	Whether operative part or full judgment is pronounced	Full
5.	Delay, if any, in pronouncing of full judgment and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. H.C. Arora, Advocate and
Mr. Gagandeep Sandhu, Advocate
for the petitioner.

Mr. Vishal Mehta, Advocate for
Mr. Mehardeep Singh, Advocate
for the respondents.

HARPREET SINGH BRAR, J.

1. The petitioner, by way of the present writ petition under Article 226 of the Constitution of India, prays for issuance of a writ of Certiorari for quashing the impugned order dated 08.11.1996 (Annexure P-11) and the impugned appellate order dated 19.09.1997 (Annexure P-13), whereby recovery to the extent of Rs.2,20,681/- has been maintained against him and the punishment of stoppage of

three annual increments with cumulative effect has also been upheld. Consequential relief for release of withheld annual increments and refund of recovery already effected has also been prayed for.

2. The factual matrix, as culled out from the pleadings, is that the petitioner was serving as Inspector Grade-II with Punjab State Civil Supplies Corporation Ltd. During the crop year 1982-83, the wheat crop was badly damaged by continuous and heavy rains and as a result, the wheat which arrived in the market was 100% lustre lost. The wheat grain was also damaged on account of karnal bunt, discolouration and sprouting. The Punjab Government at that time had issued instructions for purchasing the damaged wheat by relaxing the specifications of wheat to be purchased by PUNSUP. Such stocks were stored on kacha/open plinths for long periods owing to non-movement and eventually deteriorated in quality and lost their weight.

3. It emerges from the record that a charge-sheet came to be issued to the petitioner on 17.12.1987 (Annexure P-3). The substance of the charge was that during his tenure at Ramdass Centre from 10/1982 to 12/1985, shortage of 2043.35 quintals of wheat occurred in relation to crop year 1982-83, and that he had failed to take proper care of the health of the wheat despite there being no shortage of pesticides, thereby causing financial loss to the Corporation quantified at Rs.3,67,803/-.

4. Subsequently, an enquiry officer was appointed and the enquiry proceedings, as disclosed in the pleadings, commenced on 15.07.1988 (Annexure P-4) and were concluded on 03.11.1989 (Annexure P-6). The petitioner submitted his written defence on 07.11.1989 (Annexure P-7). The enquiry report followed on 09.12.1989 (Annexure P-8) and held the petitioner guilty on charge Nos.1 and 2, while exonerating him on charge No.3. Thereafter, comments on the enquiry report were sought from the petitioner vide communication dated 13.11.1995 and

accordingly, he submitted his representation against the findings of the enquiry officer on 04.01.1996 (Annexure P-9) and also availed a personal hearing on 15.04.1996. The disciplinary authority then passed the impugned order dated 08.11.1996 (Annexure P-11) whereby the petitioner was held responsible for loss of Rs.3,67,803/- and recovery of the said amount was ordered along with a punishment of stoppage of 03 annual increments with cumulative effect. The petitioner preferred an appeal on 09.01.1997 (Annexure P-12), which was partly accepted on 19.09.1997 (Annexure P-13). The Appellate authority, while affirming the punishment of stoppage of three annual increments with cumulative effect, reduced the amount of recovery from the petitioner and held the officers who had hired the unsuitable open plinth also responsible for the loss.

CONTENTIONS

5. Learned counsel for the petitioner *inter alia* submitted that the very foundation of the charge is unsustainable because the wheat in question was rain and Karnal bunt-affected. It was purchased under relaxed specifications (Annexure P-1) and stored in adverse conditions. It was argued that the stock remained in storage for an unduly long period and that the open plinth storage caused further deterioration which was beyond the petitioner's control. Furthermore, the predecessor officer had absented himself prior to the complete handover and the stock was not weighed bag by bag at the time the charge was handed over to the petitioner.

6. Learned counsel for the petitioner has submitted that the enquiry officer has himself noted in the enquiry report that the officers who had taken the plinths on rent could not be absolved of responsibility. On that basis, it was argued that fastening disciplinary liability on the petitioner is arbitrary and discriminatory.

7. It was further contended that the punishment order did not properly deal with the petitioner's representations and that the appellate authority dealt only partially with the points raised in appeal. Learned counsel submitted that the aforementioned circumstances vitiate the enquiry and the impugned orders.

8. *Per contra*, learned counsel appearing for the respondents submitted that the petitioner was the custodian of the stock during the relevant period and the enquiry officer, on the basis of the oral and documentary material before him, has duly observed that the petitioner had failed to preserve the health of the wheat and had thereby caused loss to the respondent-Corporation. It was further submitted that the petitioner was duly served with a charge-sheet, participated in the departmental enquiry, submitted his written statement of defence, was afforded an opportunity to file a representation against the enquiry report, and was also granted a personal hearing before the disciplinary authority. Thereafter, the petitioner availed of the statutory appellate remedy. It was contended that the appellate authority did not mechanically affirm the punishment; rather, it partially accepted the petitioner's contention regarding the unsuitable plinth and, accordingly, reduced the amount of recovery imposed upon him.

9. Moreover, it was argued that the present writ petition is, in essence, an attempt to invite this Court to re-appreciate and reassess findings of fact arrived at in the course of departmental proceedings. According to learned counsel, questions as to whether the stock had already deteriorated prior to its handover, whether factors such as rain, infestation, Karnal bunt, prolonged storage, open plinth conditions, delayed movement of stock, or the negligence of other officials were the predominant causes of the loss, and the extent to which responsibility ought to be apportioned amongst different employees, are all matters falling within the domain of factual adjudication. These issues were duly examined by the competent

departmental authorities on the basis of the evidence available on record and cannot be reopened in exercise of writ jurisdiction as though this Court were sitting in appeal over the findings recorded in the disciplinary proceedings. It was submitted that the appellate authority had already examined the petitioner's grievances and, upon finding merit in part of his contentions, re-apportioned the loss and correspondingly reduced the recovery amount. In such circumstances, no ground warranting further interference by this Court is made out.

OBSERVATION AND ANALYSIS

10. I have heard the learned counsel for the parties and examined the record with their able assistance. The petitioner, while serving as Inspector Grade-II with PUNSUP, was charge-sheeted on 17.12.1987 (Annexure P-3) on allegations of shortage of wheat stock and failure to maintain its quality. Upon consideration of the enquiry report, representation of the petitioner and after granting personal hearing, the disciplinary authority imposed the punishment of recovery and stoppage of increments. Subsequently, the appellate authority partly reduced the recovery amount but maintained the punishment of stoppage of increments.

11. This Court is of the considered view that the issue involved in the present case is no longer *res integra*. 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, has 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, re-appreciating 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) re-appreciate 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)

11.1. Reliance may also be made to the judgments rendered by the Hon'ble Supreme Court in *S.R. Tewari vs. Union of India*, (2013) 6 SCC 602, *B.C. Chaturvedi vs. Union of India*, (1995) 6 SCC 749 and *Indian Oil Corporation Ltd. vs. Ashok Kumar Arora*, (1997) 3 SCC 72.

12. A perusal of the record leaves no manner of doubt that the disciplinary proceedings were conducted after following the prescribed procedure in its entirety and in due compliance with the principles of natural justice. The petitioner was served with the charge-sheet, participated in the enquiry proceedings, submitted his defence, was afforded opportunity to make representation against the enquiry report, availed personal hearing before the disciplinary authority and, thereafter, also pursued the appellate remedy. The appellate authority, while partly accepting his plea with regard to allocation of loss, reduced the recovery component, which itself demonstrates that the matter received due consideration at every stage. In these circumstances, it cannot be said that the petitioner was denied adequate or reasonable opportunity, or that the proceedings stand vitiated on account of any procedural infirmity.

13. The challenge raised in the present writ petition, in substance, seeks re-appreciation of the factual findings returned in the departmental proceedings and reassessment of the evidentiary material on record. Such an exercise is plainly impermissible in writ jurisdiction. This Court does not sit as an appellate forum over the findings recorded by the enquiry officer, the disciplinary authority or the appellate authority and it cannot go into the adequacy or inadequacy of evidence, examine the reliability of evidence as if sitting in appeal, or substitute its own view for the view taken by the competent authorities. Unless the findings are shown to be perverse, based on no evidence, rendered in breach of the principles of natural justice, or unless the punishment imposed is so disproportionate as to shock the

conscience of the Court, no interference is warranted. In the facts of the present case, none of the aforesaid contingencies is made out. The punishment, particularly after partial relief granted in appeal, cannot be said to be disproportionate.

14. In view of the foregoing discussion, the present writ petition is dismissed. The impugned punishment order dated 08.11.1996 (Annexure P-11) and the appellate order dated 19.09.1997 (Annexure P-13) do not call for interference in exercise of writ jurisdiction of this Court.

15. Pending applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

01.07.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No