

2026:PHHC:051992



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

**CWP-5506-2026
DECIDED ON: 17.03.2026**

JITENDRA CHAUDHARY

....PETITIONER

VERSUS

**FOOD CORPORATION OF INDIA TH. ITS MANAGING DIRECTOR &
OTHERS**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the memorandum/charge-sheet dated 24.06.2015 (Annexure P-2), the disagreement memo dated 01.06.2023 (Annexure P-4), the impugned order dated 15.09.2023 (Annexure P-5) whereby the petitioner has been ordered to be compulsorily retired from service, as well as the appellate order dated 13.05.2024 (Annexure P-7) and revisional order dated 10.09.2025 (Annexure P-8), along with all consequential benefits.

Brief Facts

2. The petitioner was working with the respondent–Food Corporation of India and during his service tenure, an FIR came to be registered against him

under the provisions of the Prevention of Corruption Act, 1988. Consequent thereto, departmental proceedings were initiated vide memorandum dated 24.06.2015.

3. An inquiry was conducted and the Inquiry Officer submitted his report dated 21.04.2023 (Annexure P-3), wherein it was observed that in the absence of material prosecution witnesses, the charges could not be established.

4. Thereafter, the disciplinary authority issued a disagreement memo dated 01.06.2023 (Annexure P-4), disagreeing with the findings of the Inquiry Officer. The petitioner submitted a reply thereto. However, the disciplinary authority passed the impugned order dated 15.09.2023 (Annexure P-5), imposing the penalty of compulsory retirement.

5. The appeal preferred by the petitioner was dismissed vide order dated 13.05.2024 (Annexure P-7) and the revision petition was also dismissed vide order dated 10.09.2025 (Annexure P-8), leading to the filing of the present writ petition.

Contentions

On behalf of petitioner

4. Learned counsel for the petitioner contends that the entire departmental action is vitiated in law inasmuch as the Inquiry Officer, after conducting a full-fledged inquiry, had categorically held that the charges were not proved due to absence of material witnesses and lack of evidence, yet the disciplinary authority, without assigning cogent and convincing reasons, issued the disagreement memo dated 01.06.2023 (Annexure P-4), which is *ex facie* arbitrary and non-speaking. It is argued that the said disagreement reflects a predetermined mind and the opportunity granted to the petitioner to respond was merely illusory,

as the final order dated 15.09.2023 (Annexure P-5) has been passed by ignoring the reply and the findings of the Inquiry Officer.

5. It is further submitted that admittedly no complainant, independent witness or investigating officer appeared during the inquiry proceedings and, therefore, there was no admissible evidence on record to establish the charges; however, the disciplinary authority has illegally reversed the findings on the basis of unproved and unsigned documents which were never tested in accordance with law. It is also urged that the departmental proceedings arise out of the same allegations forming the subject matter of a pending criminal trial and in the absence of any proved misconduct, the imposition of a major penalty like compulsory retirement is wholly unjustified and disproportionate.

6. Learned counsel further submits that the appellate and revisional authorities have failed to independently apply their mind and have mechanically affirmed the impugned order without addressing the fundamental infirmities, thereby rendering the entire proceedings unsustainable in law.

7. No other arguments has been raised by learned counsel for the petitioner.

On behalf of the Respondents No. 1 to 4

8. Per contra, Mr. Vaibhav Gupta, Advocate for respondents No.1 to 4 served with an advance copy submits that the disciplinary authority is not bound by the findings of the Inquiry Officer and is competent to disagree with the same, provided reasons are recorded. It is further submitted that the disagreement memo dated 01.06.2023 (Annexure P-4) clearly reflects the reasons for such disagreement and the petitioner was afforded full opportunity to respond and the impugned order dated 15.09.2023 (Annexure P-5) has been passed after due

consideration of the entire material on record and the reply submitted by the petitioner. Moreso, the scope of judicial review in disciplinary matters is limited and this Court cannot re-appreciate the evidence. Further submission is that the appellate and revisional authorities have independently examined the matter and rightly upheld the order of punishment.

Analysis

9. I have heard learned counsel for the parties and perused the paper book.

10. At the outset, it is well settled that the disciplinary authority is the final fact-finding authority and is not bound by the findings recorded by the Inquiry Officer. It is open to the disciplinary authority to disagree with such findings, provided reasons are recorded and an opportunity of hearing is granted to the delinquent employee.

11. In the present case, a perusal of disagreement memo dated 01.06.2023 (Annexure P-4) shows that the disciplinary authority has recorded its reasons for disagreement with the enquiry report. The petitioner was duly served with the same and was afforded an opportunity to submit his reply. Thus, the requirement of compliance with principles of natural justice stands satisfied, as has been laid down by the Supreme Court in **“Punjab National Bank vs. Kunj Bihari Misra”, 1998 (3) SCC 833.**

12. The contention of the petitioner that no witness appeared during the inquiry and therefore the charges could not be proved, cannot be accepted in the manner urged. The disciplinary authority is entitled to evaluate the material on record independently and arrive at its own conclusion. This Court, in exercise of

its writ jurisdiction, does not sit as an appellate authority over departmental proceedings.

13. A perusal of the impugned order dated 15.09.2023 (Annexure P-5) reveals that the disciplinary authority has considered the inquiry report, the disagreement note and the reply submitted by the petitioner before arriving at its conclusion. The order cannot be said to be non-speaking or arbitrary.

14. Further, no procedural irregularity or violation of natural justice has been demonstrated by the petitioner. The petitioner was issued a charge-sheet, participated in the inquiry, was supplied with the disagreement memo and was granted opportunity to respond prior to passing of the final order.

15. The appellate and revisional orders also do not suffer from any patent illegality or perversity. Mere non-acceptance of the petitioner's submissions does not render the orders invalid.

16. The views expressed by the Apex Court on the scope of judicial review in "***Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava (2021) 2 SCC 612***", are extracted below:

"24. It is thus settled that the power of judicial review, of the constitutional courts, is evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.

25-27 xx xx xx

28. The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not

interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained ."

(emphasis supplied)

17 Similar view was expressed in the later judgment of this Court in “*Ex-Const/Dvr Mukesh Kumar Raigar v. Union of India and Ors.*” (2023) SCC Online SC 27.

Conclusion

18. In view of the foregoing discussion, this Court finds no merit in the present writ petition. The disagreement memo dated 01.06.2023 (Annexure P-4), the impugned order dated 15.09.2023 (Annexure P-5), as well as the appellate and revisional orders do not suffer from any illegality or infirmity warranting interference.

19. Accordingly, the present writ petition is dismissed.

20. Pending application(s), if any shall disposed off.

(SANDEEP MOUDGIL)
JUDGE

17.03.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No