



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

**LPA-576-2026 (O&M)
Date of Decision:06.03.2026**

KHARAITI LAL

....APPELLANT(S)

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

**Present: Mr. Mohnish Sharma, Advocate
for the appellant.**

Mr. Pankaj Middha, Addl., AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal assails the judgment of the learned Single Judge dated 14.01.2026 passed in CWP No. 38946-2025, whereby the challenge to the punishment order dated 29.07.2019, as affirmed in appeal, has failed. The punishment directing recovery of the sharing portion of the surcharge amount of Rs.43,301/-, along with stoppage of one annual increment with future effect, has been sustained.

2. The learned Single Judge has referred to various judgments defining the scope of exercise of jurisdiction under Article 226 of the Constitution of India, to hold that no ground for interference is made out.

3. We may observe that the writ petition was dismissed *in limine* without calling for any reply in the matter.

4. The undisputed facts, as they emerge on record, are that the appellant was initially appointed as Lower Division Clerk (*LDC*) on

14.10.1991, whereafter he was promoted to the post of Upper Division Clerk (*UDC*) on 06.10.2000. He was posted in the office of the SDO, Panipat. A charge-sheet was issued to him on the ground that an electricity connection was released in favour of M/s Golden Home Furnishing, Jatal Road, Panipat, bearing Account No.Z-7/3385, on 25.10.2006, but it was not entered in the consumer ledger. Consequently, the billing process could not be initiated, resulting in an alleged loss of Rs.23,87,143/-.

5. The appellant denied the charges and also placed on record material to show that this amount was subsequently paid by the account holder and that, in fact, there was no financial loss. The charges levelled against the appellant were denied. It was further stated by the appellant that disciplinary proceedings were initially initiated against certain other persons, which were ultimately dropped by taking a lenient view in the matter. The appellant also contended that it was actually the concerned Junior Engineer (*JE*) who ought to have inspected the premises for raising the electricity bill, and that the responsibility for entering the electricity connection in the ledger lay with the ledger clerk and not with the appellant.

6. The Inquiry Officer ultimately held the charges against the appellant to be proved, whereafter the impugned punishment order was passed. Although a writ petition was initially filed, it was later dismissed on the ground of availability of an alternative remedy. It is, thereafter, the

initial order of punishment was sustained, against which the subsequent writ petition was filed.

7. In the writ petition, the appellant had taken various grounds to assail the punishment order. It was contended that the responsibility of entering the electricity connection in the consumer ledger was that of the ledger clerk, for which the appellant could not be blamed. It was also the appellant's case that the concerned JE, who ought to have inspected the premises for recording the electricity meter, had failed to do so, and therefore the responsibility in this regard could not be fastened upon the appellant. Various other grounds were also taken to challenge the order of punishment. It was further contended that the inquiry report was not furnished to the appellant and that the conduct of the inquiry was not in consonance with the procedure prescribed under the applicable rules. These grounds were specifically taken in the writ petition.

8. Although the punishment imposed upon the appellant was challenged on the grounds of procedural impropriety and perversity, we find that the learned Single Judge has not adverted to these aspects. The writ petition was dismissed merely by referring to judgments of the Supreme Court, which lay down the limits of the exercise of discretion under Article 226 of the Constitution of India.

9. With utmost respect, we intend to differ with the view of the learned Single Judge, inasmuch as the limits of the exercise of jurisdiction in matters arising out of disciplinary action are well-defined.

The judgments referred to by the learned Single Judge are apt in this regard. However, it is the applicability of those judgments to the individual facts of the case that would require appropriate consideration at the stage of the writ petition. On this aspect, we find that the judgment of the learned Single Judge lacks proper consideration. None of the submissions regarding denial of procedure for conduct of the inquiry, on account of non-furnishing of the inquiry report, as well as other grounds raised in the writ petition, have been adverted to. The writ petition was, in fact, dismissed at the threshold without even calling for a reply in the matter.

10. In view of the above, we are of the considered opinion that instead of embarking upon the merits of the case at this stage, it would be appropriate to remit the matter back to the learned Single Judge for fresh consideration of the cause with reference to the specific pleas taken in the writ petition.

11. In that view of the matter, and for the reasons recorded above, this appeal succeeds and is ***allowed***. The judgment of the learned Single Judge dated 15.01.2026 is set aside. Respondents No.1 to 4, who are already represented through Sh. Pankaj Middha, Addl. AG, Haryana, pray for and are granted four weeks' time to file their reply. Replication, if any, may be filed within a period of two weeks thereafter.

12. Upon completion of pleadings, the Registry is directed to list the matter before the learned Single Judge after the expiry of eight weeks

for appropriate consideration.

13. All pending miscellaneous application(s), if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

MARCH 06, 2026
Rahul Joshi

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| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |