



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

CWP-7320-2026

Date of decision: 11.03.2026

Harbant Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Arav Gupta, Advocate and
Mr. Ashmeet K. Shah, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The 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* for quashing the impugned inquiry report dated 31.01.2019 (Annexure P-1) as the same is violative of memo No.6039/7412 dated 19.05.2011 (Annexure P-4) as no explanation was sought from the petitioner before issuance of the impugned charge sheet and also punishment order dated 28.06.2019 (Annexure P-2) and impugned order dated 20.04.2021 (Annexure P-3) vide which punishment order has been upheld in appeal. Further prayer is made that the recovery of money made on the basis of the impugned punishment order dated 28.06.2019 (Annexure P-2) be refunded.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was working as AAE at Distribution Sub Division Rural Sangrur of PSPCL. Further, a charge sheet was issued alleging negligence in checking



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theft of electricity connection of M/s Cresto India Engineering Corporation. The petitioner filed a reply denying the allegations. The departmental inquiry concluded vide report dated 31.01.2019 holding the petitioner guilty as discernible from Annexure P-1. On the basis of inquiry report, the punishing authority passed an order dated 28.06.2019 withholding three increments without cumulative effect as discernible from Annexure P-2. Thereafter, the petitioner filed a departmental appeal which was dismissed vide order dated 20.04.2021 (Annexure P-3).

3. Learned counsel for the petitioner further submits that the impugned charge sheet, inquiry report and punishment orders violate the procedural safeguards as the same is violative of memo No.6039/7412 dated 19.05.2011 (Annexure P-4) which mandates that an employee's explanation must be obtained prior to initiating disciplinary proceedings.

4. Learned counsel for the petitioner has placed reliance on the judgment rendered by this Court in **CWP-26799-2014**, titled as ***Sushil Kumar vs Punjab State Power Corporation Limited and others***, decided on **05.10.2018** (Annexure P-5), wherein a suspension order was quashed on identical facts by relying upon the same memo dated 19.05.2011 (Annexure P-4).

5. *Per contra*, learned counsel for the respondents could not controvert the fact that the Instructions dated 19.05.2011 (Annexure P-4) mandates that an employee's explanation must be obtained before initiation of any disciplinary proceedings against him.

6. Learned counsel for the petitioner, at this stage, submits that he



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would be satisfied if the instant writ petition of the petitioner is treated as a comprehensive representation and the same be decided by respondent No.1 by passing a speaking order in a time bound manner.

7. Learned counsel for the respondents submits that he has no objection, in case a direction is issued to respondent No.1 for time bound consideration and decision thereof by passing a speaking order.

8. Therefore, in view of the limited prayer made by learned counsel for the petitioner, respondent No.1 is directed to treat this writ petition as a comprehensive representation and consider the case of the petitioner and pass a speaking order in the light of the Instructions dated 19.05.2011 (Annexure P-4) and *Sushil Kumar's case (supra)* (Annexure P-5), after affording an opportunity of hearing to the petitioner, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted forthwith by respondent No.1.

9. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

11.03.2026

Neha

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