



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
125

CWP-7531-2026 (O&M)
Date of decision: 12.03.2026

Dharam Pal

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Madan Pal, Advocate
and Mr. Shamsheer Singh, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Divyansh Shukla, Advocate
for Mr. Sukhdeep S. Parmar, Advocate
for respondents No.2 to 6.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 25.02.1991 (Annexure P-7) passed by office of respondent No.4 and impugned order dated 30.06.2025 (Annexure P-11) passed by respondent No.3 and impugned order dated 13.11.2025 (Annexure P-15) passed by the office of respondent No.2. Further a writ of *mandamus* has been sought, directing the respondents to release the entire 04 increments which has been withheld vide order dated 25.02.1991 (Annexure P-7) (wrongly mentioned as 25.05.1991 in the prayer clause and head-note of the writ petition) passed by the office of respondent No.4 and impugned order



dated 30.06.2025 (Annexure P-11) passed by respondent No.3 and impugned order dated 13.11.2025 (Annexure P-15) passed by the office of respondent No.2. Further prayer has been made to direct the respondents to release all the consequential benefits including retiral benefits to the petitioner along with interest @ 18% per annum on delayed payment.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially charge-sheeted on 05.01.1987 under the Punjab State Electricity Board (Punishment & Appeal) Regulation, 1965 as discernible from Annexure P-1. A second charge-sheet dated 09.02.1987 (Annexure P-3) was issued by the competent authority on the same allegations. Thereafter, a show cause notice dated 22.08.1990 (Annexure P-5) was issued, which culminated into punishment of stoppage of four increments with future effect, without conducting a regular enquiry as contemplated under the Punjab State Electricity Board (Punishment & Appeal) Regulation, 1965. The petitioner submitted a reply on 30.01.1991 (Annexure P-6), however, the punishment order was passed on 25.02.1991 (Annexure P-7) by the Administrative Officer, who was not the competent authority and the case of the petitioner is squarely covered by the judgment rendered by this Court in **CWP-1604-2015**, titled as ***Suresh Kumar vs Uttar Haryana Bijli Vitran Nigam Limited and others***, decided on **06.05.2024**. He further submits that the petitioner preferred a statutory appeal on 05.04.1991, which remained undecided for several years.



Thereafter, the petitioner approached this Court by way of filing a writ petition i.e. **CWP-10547-1999**, and in the wake of the statement made by the respondent therein, the same was disposed of on 27.02.2025, with a direction to the respondent to decide the statutory appeal filed by the petitioner. Later on, the Appellate Authority rejected the statutory appeal of the petitioner vide impugned order dated 30.06.2025 (Annexure P-11) and the punishment awarded to the petitioner was reduced to stoppage of three increments with future effect. Thereafter, the petitioner filed a revision petition dated 14.07.2025 (Annexure P-13), which was partially allowed on 13.11.2025 (Annexure P-15) and it was decided to further reduce the punishment awarded to the petitioner by stopping three annual increments without future effect. Learned counsel for the petitioner refers to the order dated 13.11.2025 (Annexure P-15) passed by the Revisional Authority at Page No.109 and submits that it has been duly established and recorded by the Revisional Authority that the charge-sheet was served upon the petitioner and major punishment and enquiry as contemplated under the Punjab State Electricity Board (Punishment & Appeal) Regulation, 1965, have not been conducted. As such, the entire disciplinary proceedings suffers from incurable illegality.

2.1. Learned counsel for the petitioner has relied upon the judgment rendered by this Court in **CWP-9606-2022**, titled as ***Khairati Lal vs State of Haryana and others***, decided on **13.10.2025**, as well as the judgment passed by the Hon'ble Supreme Court in **Civil Appeal**



No.958 of 2010, titled as ***Prem Nath Bali vs. Registrar, High Court of Delhi and another***, decided on 16.12.2015, and submits that disciplinary proceedings are required to be concluded within a reasonable dispatch in furtherance of Article 21 of the Constitution of India and a delinquent employee cannot be subjected to disciplinary proceedings for indefinite period.

2.2. Learned counsel for the petitioner further refers to the order dated 27.02.2025 passed by this Court in **CWP-10547-1999**, wherein it has been duly recorded that the petitioner has placed on record documents disclosing that the appeal was filed in the year 1991 through proper channel and there is no question of denial on the part of the respondents *qua* filing an appeal by the petitioner. He further refers to the order dated 30.06.2025 (Annexure P-11) and submits that the respondent/Corporation has denied that the petitioner has preferred an appeal on 11.04.1991, however, it has been admitted that another appeal was filed before the Secretary of the erstwhile HSEB on 30.10.1998 and as such, it stands fully established that the petitioner has preferred an appeal against the punishment order and it was not decided until a direction was issued by this Court on 27.02.2025 in **CWP-10547-1999** and therefore, the delay alone could be sufficient to suffocate the disciplinary proceedings initiated against the petitioner.

2.3. Learned counsel for the petitioner has further relied upon the Full Bench judgment rendered by this Court in ***Dr. K.G. Tiwari vs State of Haryana, 2002(2) SCT 915*** as well as the judgment passed by



this Court in CWP-39153-2025, titled as *Sanjeev Anand vs Uttar Haryana Bijli Vitran Nigam Limited and others*, decided on 19.01.2026, and submits that once a charge-sheet is issued for a major penalty, the disciplinary authority cannot impose even a minor penalty without conducting a full departmental enquiry.

3. *Per contra*, learned counsel for the respondent/Corporation reiterates the reasoning given in the detailed speaking order dated 30.06.2025 (Annexure P-11) and submits that a personal hearing was given to the petitioner on 12.06.2025 in Camp Office, Sector 16, DHBVN, Gurugram and the charges were discussed with the petitioner in detail during the course of hearing but he could not produce any strong evidence which could earn exoneration from the ibid charges. The matter was again re-enquired from the field offices and other officials and after going through the charge-sheet and reply filed by the petitioner, it was duly proved that charges levelled against the petitioner were of serious nature and the respondent/Nigam has suffered financial loss due to the negligence of the petitioner. He further submits that a lenient view was taken against the petitioner and the order of punishment was modified and reduced to stoppage of three annual increments with future effect and later on, the same was further reduced to stoppage of three annual increments without future effect.

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



5. The primary question for consideration before this Court is whether the disciplinary authority, after issuing a charge-sheet for a major penalty under Rules 7 and 8 of the Punjab State Electricity Board (Punishment & appeal) Regulation, 1965 or Rules 7 and 8 of the Punjab Government (R&A) Rule, 1952, can impose even a minor penalty without conducting a regular departmental enquiry.

6. The legal position in this regard is no longer *res integra*. A Full Bench of this Court in ***Dr. K.G. Tiwari vs. State of Haryana, 2002(2) SCT 915***, while dealing with a similar controversy, has held as under:

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.

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*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.

7. This principle was further reaffirmed by this Court in ***Sanjeev Anand's case (supra)***, wherein it was observed:

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.

8. In the present case, there has been an unreasonable delay in concluding the disciplinary proceedings, which undermines the principles of administrative justice. The alleged incident relates back to the year 1984-85 and the petitioner was initially placed under suspension on 04.01.1985. The first charge-sheet was issued on 05.01.1987, and another charge-sheet was issued on 09.02.1987. Ultimately, the punishment of stoppage of increments was imposed upon the petitioner on 25.02.1991. The petitioner filed a statutory appeal on 05.04.1991, which remained pending for more than 33 years. It was only after the intervention of this Court in **CWP-10547-1999**, the respondents passed the appellate order on 30.06.2025 and the revisional order on 13.11.2025. Subjecting a retired employee to such prolonged proceedings for nearly four decades causes serious mental hardship and is contrary to the spirit of Article 21 of the Constitution of India. As held



by the Hon'ble Supreme Court in *Prem Nath Bali's (supra)*, the disciplinary proceedings must be completed within a reasonable time and an employee cannot be subjected to disciplinary proceedings for indefinite period.

9. Consequently, in view of the settled law in *Dr. K.G. Tiwari's (supra)* and *Sanjeev Anand's (supra)*, the present writ petition is allowed. The impugned orders dated 25.02.1991 (Annexure P-7), 30.06.2025 (Annexure P-11) and 13.11.2025 (Annexure P-15) are hereby quashed and set-aside.

10. The respondents are directed to:

(i) Release the annual increments of the petitioner which were withheld on the basis of the impugned orders.

(ii) Release all consequential and retiral benefits to the petitioner within a period of three months from the date of receipt of a certified copy of this order.

(iii) The petitioner shall also be entitled to interest @ 8% per annum on the delayed payments from the date they became due till the date of actual realization.

11. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

12.03.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No