



**126 IN THE PUNJAB AND HARYANA HIGH COURT  
AT CHANDIGARH**

CWP-8494-2026

Decided on: 19.03.2026

Manjeet Chhikara

.... Petitioner

versus

Haryana State Warehousing Corporation and another .... Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Saurabh Dalal, Advocate  
for the petitioner through video conferencing.

Mr. Prince Singh, Advocate  
for respondent No.1.

\*\*\*\*

**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 charge-sheet dated 14.08.2025 (Annexure P-5) and impugned punishment order dated 28.02.2026 (Annexure P-11) passed by respondent No.1 with further prayer for issuance of directions to the respondents not to harass the petitioner any further.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Junior Technical Assistant on 01.09.2009 and promoted on 12.07.2018. On 13.01.2025, respondent No.2, who is at the same pay scale as petitioner, issued a show cause notice (Annexure P-1) to the petitioner. The petitioner filed a reply on 15.01.2025 (Annexure P-2) and 31.01.2025 (Annexure P-3) pointing out the lack of jurisdiction of respondent



No.2 to issue a notice to the petitioner. Despite this, respondent No.2 recommended disciplinary action against the petitioner on 28.01.2025 (Annexure P-4). Respondent No.1 issued a charge-sheet on 14.08.2025 (Annexure P-5) under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 2016 (hereinafter referred to as 'Rules of 2016'). An Inquiry was initiated against the petitioner and an Inquiry Officer was appointed. The petitioner requested for a personal hearing and was called on 16.02.2026 and 23.02.2026 as discernible from Annexures P-7 and P-8 but no effective and meaningful hearing was granted to the petitioner. He submitted his detailed reply to the Inquiry Officer on 23.02.2023 (Annexure P-10). In the meantime, without even waiting for the conclusion of the inquiry, respondent No.1 passed the impugned major punishment order on 28.02.2026 (Annexure P-11). On the same day, another order (Annexure P-12) was passed referring the petitioner for medical aid for mental issues at PGIMER, Rohtak. The aforesaid conduct lacks any statutory mandate and is in violation of Article 21 of the Constitution of India. The conduct of respondent No.1 proves that he has imposed the penalty in a pre-determined manner and in violation of procedure prescribed under Rule 7 of, Rules of 2016, which contemplates mandatory inquiry. In support of his submissions, learned counsel for the petitioner has placed reliance on the judgment of Hon'ble Apex Court in ***H.P. State Electricity Regulatory Commission v. H.P. State Electricity Board 2013 INSC 670***.

3. *Per contra*, learned counsel for the respondent-Corporation justifies the impugned order of punishment (Annexure P-11) and submits that punishment order was passed by clubbing two charge-sheets. However, he is



not in a position to controvert the fact that the impugned order dated 28.02.2016 (Annexure P-11) was passed without considering the findings of the inquiry officer and the inquiry has not been concluded till date.

4. Having heard learned counsel for the parties and perused the relevant material available on record, it transpires that the detailed procedure is provided under Rule 7 of Rules of 2016 before imposing major penalty. The relevant extract of Rule 7 is reproduced as under:

**“7. Procedure for Imposing major penalty-**

**(A) Inquiry before imposition of major penalty-**

*(1) No order of imposing a major penalty shall be passed against a person to whom these rules are applicable unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.*

**(2) Whenever the punishing authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government employee, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act. 1850, as the case may be, an authority to inquire into the truth thereof:**

*Provided that where there is a complaint of sexual harassment within the meaning of rule 6 of the Haryana Civil Services (Government Employees Conduct) Rules, 2016, the complaints committee established in each department or officer for inquiring into such complaints shall be deemed to be the inquiry officer appointed by the punishing authority for the purpose of these rules and the complaints committee shall hold, if separate procedure has*



*not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.....*

**(B) Submission of inquiry report—**

**(1) After the close of the enquiry, the inquiry officer shall prepare his report** which inter-alia indicate the following:-

- (a) statement of charges and the allegations framed against the Government employees;*
- (b) his explanation, if any;*
- (c) oral and documentary evidence produced in support of the charges;*
- (d) oral and documentary evidence led in defence;*
- (e) findings on the charges.*

**(2) The inquiry officer shall give clear findings on each of the charges so that the Government employee shall know from the findings on what ground he has been found guilty.** Each finding shall be supported by evidence and reasons thereof. The findings are in the nature of a report to the competent authority to enable it to pass final orders. Such findings are to assist but do not bind him. He himself alone has to come to a final decision. Moreover, the inquiry officer shall not in any case recommend or propose any penalty.

**(3) The inquiry officer, where it is not itself the punishing authority, shall forward to the punishing authority the records of inquiry** which shall include—

- (a) the report prepared by it under rule 7(B)(1);*
- (b) the written statement of defence, if any, submitted by the charged person;*
- (c) the oral and documentary evidence produced in the course of the inquiry;*
- (d) written briefs, if any, filed by the presenting officer or the*



*charged person or both during the course of the inquiry; and  
(e) the orders, if any, made by the punishing authority and  
the inquiry officer in regard to the inquiry.*

**(C) Action on inquiry report—**

**(1) After the enquiry against a charged person has been completed, the punishing authority shall forward or cause to be forwarded a copy of the enquiry report, and where the punishing authority does not agree with the enquiry report or any part thereof, the reasons for such disagreement shall be communicated alongwith the enquiry report, to the charged person who may submit, if he so desires, a written representation to the punishing authority within a period of one month from the date of such communication.**

**(2) The punishing authority shall consider the representation, if any, submitted by the charged person and record its findings before proceeding further in the matter as specified in rule 4.**

5. A bare perusal of Rule 7 of the Rules of 2016 makes it evident that, prior to the imposition of a major penalty under Rule 4, the punishing authority is required to adhere to a structured procedure comprising the following steps:

- a. The punishing authority shall initiate an inquiry, either by conducting it itself or by appointing an Inquiry Officer.
- b. Where the Inquiry Officer is distinct from the punishing authority, the inquiry report shall be submitted to the punishing authority.
- c. The inquiry report, along with reasons recorded in case of any disagreement by the punishing authority, shall be communicated to the charged employee.



- d. The charged employee shall thereafter be afforded an opportunity to submit a representation within a period of one month.
- e. The punishing authority shall duly consider the representation so submitted.
- f. Only thereafter shall the punishing authority proceed to take action in accordance with Rule 4.

6. Admittedly, although an Inquiry Officer has been appointed, the inquiry itself has not been concluded. The procedure prescribed under Rule 7 is not merely directory in nature; rather, it mandates a strict and sequential compliance of the stipulated steps before a major penalty can be imposed.

7. It is incomprehensible that, when the respondents have not even progressed to the stage where the inquiry report is finalized and submitted, how the punishing authority could bypass the intervening mandatory steps and proceed to impose a penalty under Rule 4. The conduct of the inquiry and due consideration of its report constitute foundational prerequisites for the imposition of any major penalty.

8. It is a settled principle that though the scope of judicial interference is very narrow, the courts shall intervene where there has been a procedural irregularity or deviation from the procedure prescribed. Reliance in this regard may be placed on the judgement rendered by a Three Judge Bench of the Hon'ble Supreme Court in *State of Andhra Pradesh v. S. Sree Rama Rao 1963 INSC 97*.



9. In view of the above, the present petition is allowed. The impugned order dated 28.02.2026 (Annexure P-11) is found to have been passed in violation of the procedure established, and is consequently set aside. However, liberty is granted to the respondent to take the inquiry as contemplated under Rule 7 of Rules of 2016 to its logical end and to proceed further thereafter in accordance with law.

10. The present petition stands disposed of accordingly.

(HARPREET SINGH BRAR)  
JUDGE

19.03.2026  
sonia

|                                |        |
|--------------------------------|--------|
| Whether speaking/non-speaking? | Yes/No |
| Whether reportable?            | Yes/No |