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

CWP-11204-2026

Date of decision: 16.04.2026

Sumir Bharti

....Petitioner

Versus

Punjab State Power Corporation Ltd and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manu Bhandari, Advocate and
Mr. Arjun Sawhni, Advocate
for the petitioner.

Mr. Pradeep Sharma, Advocate
for the respondent(s)-PSPCL.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing/setting aside the enquiry report dated 26.12.2022 (Annexure P-17), order dated 08.08.2023 (Annexure P-19) passed by respondent No.3 as well as the order dated 10.01.2025 (Annexure P-21).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Junior Engineer on 05.07.2012 and thereafter, promoted as SDO on 19.11.2014 and transferred to Kharar City-II Sub Division on 19.06.2019. A colony named Gulmohar Heights was set up in the year 2016-17. The builder never applied for a commercial (NRS) connection for common services (street lights, water supply, lift) and was indulging in theft of electricity. The checking team on 07.02.2020 detected the theft and an amount of Rs.52,49,583/- was assessed. On instructions to prevent hardship to

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residents, the petitioner released the connection after the builder deposited Rs.12 lakh and gave an affidavit containing undertaking dated 03.03.2020 (Annexure P-6) with respect to deposit of the remaining amount. Thus, exercising the power under Regulation 37.2.3 (b) of the Supply Code as also the corresponding provisions as contained in Regulation 102.1 of the Electricity Supply Instruction Manual, permitted the initial deposit of Rs.12 lakh which is discernible from the receipt dated 06.03.2020 (Annexure P-7). The builder did not comply with the notice dated 27.02.2020 and, consequently, the petitioner got the connection of the builder disconnected and removed the meter from the premises on 12.03.2020 and addressed a letter on 28.04.2020 to Bakhshish Builders for depositing the amount of demand draft which had been dishonoured as discernible from Annexure P-8. The builder deposited an additional amount of Rs.7,37,584/- pursuant to an anticipatory bail order. The petitioner was suspended on 29.07.2020 and a charge sheet (Annexure P-12) was served on 24.08.2020. The petitioner informed the competent authority on 28.08.2020 that theft of the electricity is still continuing. A checking was conducted on the same day confirming theft but no FIR was registered nor any penalty imposed upon the builder which proves that the petitioner was not complicit in any manner. The Inquiry Officer held the petitioner guilty for the release of electricity connection to the builder without even discussing the evidence and on the basis of the same set of allegations and evidence, respondent No.4 i.e. Additional Superintendent Engineer was let off and punishment of stoppage of three increments with cumulative effect was imposed vide order dated 08.08.2023 (Annexure P-19) and the statutory appeal



filed by the petitioner was rejected on 10.01.2025 (Annexure P-21).

2.1 He further refers to his role in the entire process and the defence led by the petitioner which was totally ignored. The petitioner's responsibility comes into the picture only after the Revenue Accountant verifies that no pending dues are there. As such, the entire responsibility was of the Revenue Accountant as per the established procedure of prevalent practices. He further refers to the regulation 3.3.7 (c) and submits that in case, any dispute of the consumer is pending adjudication before the competent authority, then the case of registration of new connection shall be considered after submission of duly signed undertaking by the applicant. He further submits that the petitioner has not committed any irregularity and has acted only upon receiving the undertaking furnished by the petitioner on 03.03.2020 (Annexure P-6).

3. *Per contra*, learned counsel for the respondent-Corporation submits that admittedly, the petitioner was transferred to Kharar City-II Sub Division on 19.06.2019 and he was the Supervisory Officer being SDO and a checking team on 07.02.2020 detected the theft under his jurisdiction which was assessed as Rs.52,49,583/-. In spite of that, the builder deposited only Rs.12 lakh. The petitioner released the connection and it is not a case that the undertaking was not received by the petitioner or it was submitted before the Revenue Accountant. Further, the bank draft of the builder was dishonoured and only, thereafter, on 12.03.2020, the petitioner disconnected the connection and his laxity at administrative lapse has caused huge financial loss to the respondent-Corporation. The disciplinary action was taken following the drill

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of the procedure prescribed under the Punishment and Appeal Rules and he has been given due opportunity. Further, the reliance of the petitioner on Regulation 3.3.7 (c) is totally misplaced. The aforesaid provision is applicable to cases whose matter is pending adjudication before the Dispute Settlement Committee, Ombudsman or any Court or Appellate Authority then only granting new connection can be considered on submission of duly signed undertaking. It is a case where a theft of electricity was detected and the amount of theft was assessed as Rs.52,49,583/- and after obtaining only Rs.12 lakh the petitioner issued an electricity connection to the defaulter builder.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the petitioner while posted as SDO, released an electricity connection to the builder despite a substantial amount of assessed theft remained unpaid. The connection was granted on deposit of only a partial amount. The petitioner, being the supervisory officer, failed to exercise due diligence and his action resulted in financial loss to the respondent-Corporation. The disciplinary proceedings were conducted in accordance with the prescribed procedure and no procedural illegality or violation of principles of natural justice has been shown.

5. The scope of judicial review under Article 226 of the Constitution of India in matters of disciplinary proceedings is limited and narrow. The power of judicial review is confined to examining the decision-making process, not the decision itself. Interference is warranted only when the findings recorded are perverse, arbitrary, or tainted by procedural illegality, or where there is a manifest error apparent on the face of the record resulting in a failure of justice.



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Additionally, this Court must ensure that the proceedings were conducted in compliance with the prescribed procedure and the principles of natural justice, and that the penalty imposed is not so disproportionate to the misconduct as to shock the judicial conscience. This limited scope of review has been consistently affirmed by the Hon'ble Supreme Court in ***B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749*** and reiterated in ***State of Karnataka v. N. Gangaraj, (2020) 12 SCC 539***, wherein it was held that courts and tribunals, while empowered to review decisions of disciplinary authorities, are not appellate forums to re-appreciate evidence or substitute their own conclusions for that of the disciplinary authority.

6. This Court shall only intervene where there is procedural irregularity or deviation from the procedure prescribed. Reliance in this regard may be placed on the judgment 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***.

7. The petitioner has failed to demonstrate that the inquiry was conducted by an incompetent authority, that there was a violation of natural justice or the procedure prescribed, or that the findings are based on no evidence, or that the punishment is shockingly disproportionate and thus perverse. The submissions made by the petitioner essentially seek a re-appreciation of evidence, which is beyond the scope of judicial review in writ jurisdiction.

8. No other argument was raised.

9. Consequently, this Court finds no grounds to interfere with the impugned orders. The writ petition being devoid of merit is accordingly dismissed.
10. No order as to costs.

(HARPREET SINGH BRAR)
JUDGE

16.04.2026
Neha

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