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

**CWP-14362-2026 (O&M)
Date of decision: 14.05.2026**

Raghav Wadhawan

... Petitioner

Vs.

Chairman, Haryana Power Utilities, Panchkula and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishab Arora, Advocate and
Mr. Garvit Mittal, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 to 5.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 22.09.2023 (Annexure P-5), vide which the petitioner was dismissed from service solely on the basis of enquiry report dated 22.02.2023 (Annexure P-4) and further to set aside the office order dated 12.08.2022 (Annexure P-2), whereby respondent No.6 was appointed as an Enquiry Officer for conducting enquiry in the disciplinary proceedings



initiated against the petitioner and all its consequential proceedings as well as enquiry report (Annexure P-4), in the light of instructions dated 15.03.2022 (Annexure P-6) and the judgment dated 03.12.2025 (Annexure P-7) passed by this Court in **CWP-35929-2025** titled as ***Kulwant Singh Vs. Chairman, Haryana Power Utilities, Panchkula and others***. It is further prayed to issue a writ in the nature of *mandamus* directing the respondents to reinstate the petitioner in service forthwith and grant him all the consequential benefits, including arrears of pay, seniority etc. along with interest @18% *per annum*, in terms of ***Kulwant Singh***'s case (*supra*).

2. On 08.05.2026, following order was passed by this Court: -

“Learned counsel for the petitioner, inter alia, contends that despite the Instructions dated 15.03.2022 (Annexure P-6) issued by the respondent/Corporation, stipulating that no Enquiry Officer shall be appointed beyond the age of 70 years, an Enquiry Officer aged beyond the prescribed limit has been appointed in the present case. He further submits that this Court, in CWP-35929-2025 titled Kulwant Singh vs. Chairman, Haryana Power Utilities, Panchkula and others, decided on 03.12.2025, has held that disciplinary proceedings conducted by an Enquiry Officer beyond 70 years of age are invalid. He further contends that the said view stands reiterated by this Court in CWP-15355-2023 titled Sanjeev Gupta vs. Uttar Haryana Bijli Vitran Nigam Limited and another, decided on 12.02.2026.

Mr. Vikrant Pamboo, Advocate, who is appearing on advance notice on behalf of respondents No.2 to 5, seeks a short



accommodation to have complete instructions in the matter.

Adjourned to 14.05.2026.”

3. Learned counsel for respondents No.2 to 5 is not in a position to controvert the fact that the Enquiry Officer in the disciplinary proceedings initiated against the petitioner was above 70 years of age, which is in violation of the instructions dated 15.03.2022 (Annexure P-6).

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the disciplinary proceedings were conducted by an Enquiry Officer, who was above 70 years of age, which is contrary to the instructions dated 15.03.2022 (Annexure P-6), wherein it has been stipulated that no retired officers, as mentioned in the instructions, above the age of 70 years can be appointed Enquiry Officer in the departmental proceedings.

5. This Court in **Kulwant Singh**'s case (*supra*) and in **CWP-15355-2023** titled as **Sanjeev Gupta Vs. Uttar Haryana Bijli Vitran Nigam and another**, decided on 12.02.2026 has already considered the issue involved in the present petition and as such, it is no longer *res integra*. In **Sanjeev Gupta**'s case (*supra*), this Court made the following observations: -

“9. The issue involved in the present petition is no longer res integra, as the same has already been dealt with by this Court in Kulwant Singh's case (supra) and Sukhbir Singh Goyat's case (supra) and settled the controversy. The operative part of the judgment rendered in Kulwant Singh's case (supra) read as under: -



“4. Having heard learned counsel for the parties, it transpires that respondent No.6 was appointed as Enquiry Officer when he was 84 years of age. This issue was considered by this Court in CWP-27601- 2022, titled as Sukhbir Singh vs State of Haryana and others, wherein it has been observed as under:-

“One fails to understand non-compliance of, what is otherwise having very plain and simple meaning, instructions dated 15.03.2022 (Annexure P-10) envisaging, as clear as daylight, that eligibility criteria for empanelment of retired officers as Enquiry Officers must ensure that the maximum age of Inquiry Officer should not be more than 70 years. Even the renewal of the term of an Inquiry Officer cannot be made beyond the age of 70 years. Reference may be had to Para (ii) sub-clause (b) and (c) of Clause 1 of eligibility criteria per instructions, ibid.

2. While issuing the instructions, Chief Secretary office was fully conscious of the fact that there were 14 Inquiry Officers, who were above 70 years of age. And yet, a conscious call was taken, and rightly so, not to empanel them after attaining the age of 70 years {Clause (c) of (ii)}. Appointment of respondent No.3 herein, who is stated to be 84 years of age, as Inquiry Officer vide order dated 04.10.2022 vide Annexure P-5, appears to be in gross violation of the crystal clear administrative instructions ibid.

3. Notice of motion.

4. On advance service of copy of the petition, learned State counsel appears and accepts notice on behalf of respondent-State of Haryana and seeks time to get instructions and file return.

5. Adjourned to 08.12.2022.

6. Meanwhile, let an affidavit of respondent no.1 i.e., Additional Chief Secretary be filed as to how many of the empanelled Inquiry Officers are; (a) more than 70 years of age and; (b) above 70 and total number of enquiries being handled by them before issuance of instructions and; (c)

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above 70 and number of enquiries assigned to them after issuance of instructions (supra).

7. On oral request of learned counsel for the petitioner, Chief Secretary of State of Haryana is made as party-respondent No.5. Registry to make necessary correction/addition in the memo of parties. Chief Secretary is requested to ensure that his administrative instructions are strictly complied with by all the Administrative Secretaries of Boards/Corporations etc. His affidavit of compliance be also filed.

8. In the meantime, inquiry proceedings against the petitioner shall remain stayed.

5. In the said case, the order qua appointment of Enquiry Officer was later on withdrawn and the writ petition was disposed of as having been rendered infructuous.

6. In view of the Instructions dated 15.03.2022 (Annexure P29) as well as the order passed by this Court on 02.12.2022 in Sukhbir Singh's case (supra), the present petition is allowed and the appointment of Enquiry Officer vide order dated 14.07.2022 (Annexure P-3) along with all subsequent orders including the punishment order dated 23.05.2023 (Annexure P-24) are set-aside, as the same have been passed without following the drill of Regulation 7(A)(1) of the UHBVNL (Punishment & Appeal) Regulations, 2018.

7. However, liberty is granted to the respondents to start the de novo disciplinary proceedings against the petitioner in accordance with the applicable UHBVNL (Punishment & Appeal) Regulations, 2018 and appoint an Enquiry Officer in terms of the Instructions dated 15.03.2022 (Annexure P-29)."

(emphasis added)"

6. In view of the above, present petition is allowed and the impugned order dated 12.08.2022 (Annexure P-2), appointing respondent



No.6 as Enquiry Officer, enquiry report dated 22.02.2023 (Annexure P-4) and the order dated 22.09.2023 (Annexure P-5), dismissing the petitioner from service, are hereby set aside. The respondents are directed to reinstate the petitioner in service and grant him the consequential benefits of subsistence allowance in terms of Rule 83 of Haryana Civil Services (General) Rules, 2016. Needful be done within a period of two months from the date of receipt of certified copy of this order

7. However, the respondents would be at liberty to start *de novo* disciplinary proceedings against the petitioner, in accordance with applicable UHBVNL (Punishment & Appeal) Regulations, 2018, by appointing an Enquiry Officer, strictly in terms of the instructions dated 15.03.2022 (Annexure P-6).

8. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

14.05.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No