



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-15351-2026 (O&M)
Date of decision: 25.05.2026

Mukhtar Singh

....Petitioner

Versus

State of Punjab and others

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jasleen Kaur, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

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 mandamus, directing the respondents to allow the petitioner to join his duties and further to pay the due salary and other benefits from 07.05.2024 onwards.

2. On 20.05.2026, the following order was passed:-

Learned counsel for the petitioner, inter alia, contends that the petitioner was appointed as a Driver on contractual basis in the year 2010. On 07.05.2024, the petitioner was assigned duty on a bus operating on the Pathankot–Amritsar route. During the course of duty, the checking staff allegedly made a false report alleging theft/misappropriation of 18 litres of diesel amounting to Rs.1511/-. It is submitted that the said allegation is wholly baseless, inasmuch as the bus driven by the petitioner



achieved an average mileage of 5.5 kilometres per litre, which clearly disproves the allegation of diesel theft.

It is further contended that solely on the basis of the aforesaid false report, the respondents did not permit the petitioner to resume/join his duties with effect from 07.05.2024, and since then, no salary/wages have been paid to him. Thereafter, on 01.08.2024, an enquiry was entrusted to an officer at Hoshiarpur. The Enquiry Officer, after conducting due enquiry, exonerated the petitioner and declared him innocent vide enquiry report dated 29.07.2024 (Annexure P-1).

Despite the aforesaid enquiry report, the petitioner received a communication dated 19.12.2024 directing him to appear in a re-enquiry on 30.12.2024 (Annexure P-2). The petitioner duly appeared before the concerned authority; however, he was informed that the concerned officer was busy and no proceedings were conducted. Thereafter, another communication dated 09.01.2025 was issued directing the petitioner to appear in the re-enquiry proceedings on 16.01.2025 (Annexure P-3). It is submitted that the petitioner remained present throughout the day, but no enquiry proceedings were undertaken, and the staff merely obtained his signatures for the purpose of marking his presence.

Subsequently, vide letter dated 30.04.2025, the petitioner was called for a personal hearing on 16.05.2025 (Annexure P-4). The petitioner again appeared before the competent authority; however, the Assistant Officer informed him that he would be called on some other date. Thereafter, the petitioner submitted a written representation dated 09.09.2025 to respondent No.2 (Annexure P-5), seeking redressal of his grievance and



permission to resume duties. However, till date, no decision has been communicated on the said representation, and the petitioner continues to remain out of service without any lawful order having been passed against him.

Learned counsel for the petitioner further relies upon the judgment rendered by the Hon'ble Supreme Court in U.P. State Transport Corporation Versus Brijesh Kumar 2024 INSC 368 and submits that even a contractual employee is entitled to the protection of the principles of natural justice, particularly the rule of audi alteram partem. It is further contended that once the petitioner had already been exonerated in the first enquiry report, the appointment of another Enquiry Officer for conducting a reenquiry is contrary to the settled proposition of law laid down by the Hon'ble Supreme Court. Learned counsel submits that the action of the respondents is arbitrary, discriminatory, and unsustainable in the eyes of law, having been taken without adhering to the mandatory principles of natural justice.

At this stage, learned State Counsel seeks a short accommodation to obtain instructions in the matter.

List on 25.05.2026

3. Learned State counsel refers to the enquiry report dated 29.07.2024 (Annexure P-1) and submits that although the enquiry officer had recorded a finding that the allegations against the petitioner were not found to be correct, however, another enquiry was ordered by the competent authority. Learned State counsel, however, is unable to point out any statutory rule or provision which empowers the



respondents to appoint another enquiry officer after submission of the enquiry report exonerating the petitioner.

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

5. From the perusal of the record, it transpires that the petitioner, who was appointed as Driver on contractual basis in the year 2010, has not been permitted to resume duties with effect from 07.05.2024 merely on the basis of allegations regarding theft of diesel amounting to Rs.1511.10/-. It is not disputed that no formal order of suspension has been passed against the petitioner. It is further not disputed that no subsistence allowance or salary has been paid to the petitioner since 07.05.2024. The record further reveals that a detailed enquiry was conducted by the enquiry officer at Hoshiarpur, who after considering the statements of the checking staff, the explanation furnished by the petitioner as well as the diesel consumption record, categorically recorded a finding that the allegations levelled against the petitioner were not found to be correct and the report appeared to have been made merely on the basis of suspicion.

6. A perusal of the enquiry report dated 29.07.2024 (Annexure P-1) further reveals that the enquiry officer specifically noticed that the checking staff had alleged that the petitioner was caught red-handed while stealing diesel through a pump, however, at the same time, the checking staff also admitted that at the relevant time the bus was in running condition and was being driven by the petitioner himself.



The enquiry officer, after considering the said contradictory stand and the diesel consumption record showing average mileage of 5.5 KMPL, concluded that the allegations against the petitioner did not appear to be correct.

7. Despite the aforesaid clean chit, the respondents proceeded to order a re-enquiry against the petitioner. Learned State counsel has not been able to cite any statutory rule or provision empowering respondent No.2 to appoint another enquiry officer after the petitioner had already been exonerated in the first enquiry proceedings.

8. Reliance in this regard may be placed on the judgment rendered by the Constitutional Bench of the Hon'ble Supreme Court in ***K.R. Deb vs. Collector of Central Excise, Shillong 1971 INSC 112***, which speaking through Justice S.M Sikri observed as under:-

*“11. It seems to us that Rule 15, on the face of it, really provides for one inquiry but it may be possible if in a particular case there has been no proper enquiry because some serious defect has crept into the inquiry or some important witnesses were not available at the time of the inquiry or were not examined for some other reason, the Disciplinary Authority may ask the Inquiry Officer to record further evidence. **But there is no provision in rule 15 for completely setting aside previous inquiries on the ground that the report of the Inquiring Officer or Officers does not appeal to the disciplinary Authority. The Disciplinary Authority has enough powers to reconsider the evidence itself and come to its own conclusion under rule 9.***



12. In our view the rules do not contemplate an action such as was taken by the Collector on February 13, 1962. It seems to us that the Collector, instead of taking responsibility himself, was determined to get" some officer to report against the appellant. The procedure adopted was not only not warranted by the rules but was harassing to the appellant.

13. Before the Judicial commissioner the point was put slightly differently and, it was urged that the proceedings showed that the Disciplinary Authority had made up its mind to dismiss the appellant. The Judicial Commissioner held that on the facts it could not be said that the Disciplinary Authority was prejudiced against the appellant. But it seems to us that on the material on record a suspicion does arise, that the Collector was determined to get some Inquiry Officer to report against the appellant."

(emphasis added)

9. As such, there is no jurisdiction under which the respondent could have conducted a fresh inquiry on the same charges against the petitioner.

10. Even otherwise, the petitioner has continuously cooperated with the proceedings and appeared before the authorities on every date fixed by them, however, for almost two years, he has been kept out of service without any justification and without payment of any salary or subsistence allowance. The action of the respondents has placed the petitioner in complete legal limbo.



11. The principles of natural justice are required to be adhered to even in disciplinary proceedings against contractual employees. The Hon'ble Supreme Court in ***U.P. State Road Transport Corporation and others vs. Brijesh Kumar and another, 2024 AIR SC 4424***, has held that the principles of natural justice must be honoured while passing a termination order even against a contractual employee. Speaking through Justice Pankaj Mittal, the following was held:

“19. The services of the respondent have been determined solely on the ground of misconduct as alleged but without holding any regular inquiry or affording any opportunity of hearing to him. The termination order has been passed on the basis of some report which probably was not even supplied to the respondent. No show cause notice appears to have been issued to the respondent. Therefore, the order of termination of his services, even if on contractual basis, has been passed on account of alleged misconduct without following the Principles of Natural Justice. The termination order is apparently stigmatic in nature which could not have been passed without following the Principles of Natural Justice.”

(emphasis added)

12. In the present case also, the petitioner has been deprived of his right to discharge duties and earn livelihood without any order having been passed against him. Once the enquiry officer had exonerated the petitioner after conducting due enquiry, the respondents could not have indefinitely kept the petitioner out of service by repeatedly calling him for re-enquiry proceedings in the absence of any



statutory authority. The action of the respondents is arbitrary, violative of principles of natural justice and cannot be sustained in the eyes of law.

13. In view of the foregoing reasons, the present petition is allowed. The action of the respondents in subjecting the petitioner to repeated re-enquiry proceedings despite his exoneration in the enquiry report dated 29.07.2024 is unsustainable in law. Consequently, the impugned re-enquiry proceedings initiated pursuant to communication dated 19.12.2024 (Annexure P-2) are also set-aside. The respondents are directed to reinstate the petitioner in service forthwith and the petitioner shall also be entitled to all consequential benefits including salary and other admissible benefits w.e.f. 07.05.2024.

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

(HARPREET SINGH BRAR)
JUDGE

25.05.2026
yakub

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