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

**CWP-15355-2023 (O&M)
Date of decision: 12.02.2026**

Sanjeev Gupta

... Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravinder Malik (Ravi), Sr. Advocate with
Mr. Garvit Mittal, Advocate
for the petitioner.

Mr. Pritam Singh Saini, Advocate
for the respondents.

HARPREET SINGH BRAR, J.

CM-2112 & 2113-CWP-2026

1. Both these applications have been filed under Section 151 of the Code of Civil Procedure, 1908 seeking preponement of date of hearing from 10.09.2026 to some earlier date and for disposal of the main petition.

2. In view of the averments made in the applications, same are allowed. Date of hearing is preponed from 10.09.2026 to today and the main petition is taken on board for final disposal today itself.

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3. Present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside ex-parte departmental proceedings, including the chargesheet dated 27.06.2022 (Annexure P-2), inquiry report dated 09.12.2022 (Annexure P-3) and the punishment order dated 23.05.2023 (Annexure P-9), vide which 50% pension of the petitioner was withheld.

4. Learned senior counsel for the petitioner, *inter alia*, contends that the petitioner joined the respondent-Corporation and on the basis of his satisfactory service record, he was promoted to the posts of Executive Engineer, Superintending Engineer (CDC). On attaining the age of superannuation, the petitioner retired from service on 31.01.2021. However, after almost one year of his retirement, on the basis of a complaint filed by one Suresh, an FIR No.109 dated 08.02.2022 was registered against him under Sections 34, 120-B, 201, 409, 420, 467, 468, 471 of the Indian Penal Code, 1860 and Section 13 of the Prevention of Corruption Act, 1988, at Police Station Samalkha, District Panipat (Annexure P-1), in which he was nominated as an accused on the basis of disclosure statement made by one Raghav Wadhwan, who was posted as LDC, Sub-Urban Division, Jagadhri. After that, departmental proceedings were initiated against the petitioner and he was chargesheeted on 27.06.2022 (Annexure P-2), however, without supplying him a copy of same and affording an opportunity of hearing, enquiry was

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conducted, wherein he was held guilty of the charges levelled against him, as discernible from enquiry report dated 09.12.2022 (Annexure P-3).

5. It is further contended that when the petitioner gained knowledge regarding the disciplinary proceedings against him, he submitted a representation dated 05.01.2023 (Annexure P-3) to respondent No.2. The petitioner further raised certain objections to the department inquiry regarding appointment of enquiry officer in gross violation of instructions dated 15.03.22 (Annexure P-7) and the manner, in which the inquiry was conducted. However, without considering the objections, respondent No.2-competent authority passed the impugned order dated 23.05.2023 (Annexure P-9), imposing the penalty of withholding of 50% of his pension, which is violative of the Haryana Civil Service (Pension) Rules, 2016 and UHBVNL (Punishment and Appeal) Regulations, 2018.

6. Learned senior counsel for the petitioner relies upon the judgment passed by this Court in **CWP-35929-2025** titled as **Kulwant Singh Vs. Chairman, Haryana Power Utilities, Panchkula and others**, decided on 03.12.2025 and also a judgment dated 08.12.2022 passed by a Coordinate Bench of this Court in **CWP-27601-2022** titled as **Sukhbir Singh Goyat Vs. State of Haryana and others**, wherein the order appointing the enquiry officer along with all subsequent orders were set aside and liberty was granted to the respondents to start *de novo* disciplinary proceedings against the petitioner therein, in accordance with applicable UHBVNL (Punishment and Appeal)



Regulations, 2018.

7. *Per contra*, learned counsel for the respondents insists upon adjournment. However, case of the petitioner is apparent on record, as its facts are identical to aforesaid judgments.

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

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

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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) 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

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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)

10. In view of the above, present petition is allowed in terms of the judgments rendered by this Court in **Kulwant Singh's** case (*supra*) and **Sukhbir Singh Goyat's** case (*supra*) and the impugned chargesheet dated 27.06.2022 (Annexure P-2), inquiry report dated 09.12.2022 (Annexure P-3) and the punishment order dated 23.05.2023 (Annexure P-9), withholding 50% pension of the petitioner are hereby set aside.

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

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

12.02.2026
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No