



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

205

CWP-24872-2016

Date of Decision: **30.03.2026**

Gurjeet Singh

.....Petitioner

VERSUS

Punjab State Power Corporation Limited others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Sonia G. Singh, Advocate for the petitioner.

Ms. Pratula Sethi, Advocate for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of *certiorari* for quashing the impugned order dated 02.03.2016 (Annexure P-10) and order dated 03.06.2016 (Annexure P-12) vide which the service of the petitioner has been terminated. Further prayer has been made that during the pendency of the present petition, the operation of the impugned orders (Annexures P-10 and P-12) be stayed and petitioner be allowed to work during pendency of present writ petition.



2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner initially joined the respondent-Corporation on 03.08.1978 as a work-charged employee. Thereafter, she was promoted as Assistant Lineman (ALM) on 19.01.1989 and subsequently as Lineman (LM) on 14.08.2012. It is submitted that the petitioner owns a house, in the name of his mother, situated at Moti Nagar, Khanna, where an electricity connection bearing Account No. MX-64/143 stands in the name of the petitioner and was availing concessional units admissible to employees of the Board/Corporation.

2.1 It is further contended that in the year 2010, the petitioner had let out the said house on rent, and on 07.10.2010, a routine checking was conducted by the enforcement wing of the Corporation, wherein it was allegedly found that the meter was not functioning and had been turned upside down. Subsequently, on 23.04.2013, FIR No. 101 was registered at the instance of the petitioner's brother against one Mukesh Kumar. It is alleged that the said Mukesh Kumar, bearing a grudge on account of failure of compromise, lodged a complaint in the year 2014 seeking initiation of proceedings against the petitioner for alleged theft of electricity, even though the premises had already been rented out at the relevant time.

2.2 Pursuant thereto, an inquiry was initiated after a considerable delay. The petitioner submitted a detailed reply; however, being dissatisfied therewith, the respondents served charge-sheets dated 29.12.2014 (Annexures P-6 and P-7). Thereafter, the Inquiry Officer submitted his report dated 29.12.2015 (Annexure P-9). On the basis of the said report, the



punishing authority, vide order dated 02.03.2016 (Annexure P-10), imposed the penalty of dismissal from service. The statutory appeal preferred by the petitioner was also dismissed vide order dated 03.06.2016 (Annexure P-11).

2.3 Learned counsel further submits that a perusal of the summary of charges (Annexures P-6 and P-7) reveals that the allegations against the petitioner pertain to negligence and misconduct, and proceedings were initiated under Rule 10 of the Punjab State Electricity Board Employees (P&A) Regulations, 1971, which contemplates minor penalties. It is argued that the Inquiry Officer, in his report dated 07.10.2015 (Annexure P-8), primarily relied upon the checking report allegedly bearing the signature of the petitioner's wife obtained at the spot. However, even the said report does not conclusively establish theft of electricity and, at best, attributes negligence to the petitioner in discharge of his duties as an employee of the Corporation.

2.4 It is further contended that a penalty of Rs. 10,200/- had already been imposed on account of the alleged theft, and the material on record, including the checking report (Annexure P-1), is itself doubtful, inasmuch as it initially bears the signature of one "Kamaljit Singh," which was subsequently altered to "Kamaljit Kaur," thereby casting serious doubt on its authenticity. Additionally, it is submitted that the meter in question was deposited with the AEME, Mandi Gobindgarh, and the technical examination thereof did not substantiate any case of theft of electricity, which constitutes a vital piece of evidence ignored by the disciplinary authority.



2.5 Lastly, it is argued that the impugned punishment is vitiated in law, as proceedings initiated under Rule 10 of Regulation 1971 applicable to minor penalties-culminated in the imposition of a major penalty of dismissal, without following the mandatory procedure prescribed under Regulation 8 of the Regulations 1971. Thus, the entire disciplinary proceedings are stated to be suffering from patent illegality and are liable to be set aside.

3. *Per contra*, learned counsel for the respondents opposes the prayer made by learned counsel for the petitioner and submits that the due procedure, as prescribed under the Regulations of 1971, has been duly followed. It is contended that the petitioner was afforded adequate opportunity at every stage of the disciplinary proceedings, and his defence, replies and representations were duly considered. Learned counsel further refers to Annexure P-6 (summary of charges) and submits that it clearly stipulates that disciplinary proceedings were initiated against the petitioner for misconduct/negligence under Section 5(i) to (x) of the Punjab State Electricity Board Employees (Punishment and Appeal) Regulations, 1971. It is thus argued that there is neither any procedural infirmity nor violation of the principles of natural justice. The findings recorded by the Inquiry Officer are stated to be based on legally admissible evidence, and accordingly, dismissal of the present writ petition is prayed for.

3.1 However, learned counsel for the respondents is unable to controvert the specific contentions raised by the petitioner, particularly with regard to the material discrepancies in the checking report, wherein the



name “Kamaljit Singh” appears to have been altered to “Kamaljit Kaur,” thereby casting doubt on its authenticity. Further, the respondents could not dispute the fact that the electricity meter in question had been deposited with the AEME, Mandi Gobindgarh, and that the said technical aspect was not duly considered while awarding the impugned punishment.

4. I have heard learned counsel for the parties and have perused the pleadings and material available on record.

5. At the outset, it is not in dispute that the disciplinary proceedings against the petitioner were initiated on the basis of allegations pertaining to negligence and misconduct arising out of an alleged incident of theft of electricity detected during a checking conducted on 07.10.2010.

6. A perusal of the inquiry report reveals that the Inquiry Officer himself has not returned any categorical finding establishing theft of electricity against the petitioner. Rather, the findings are primarily premised on alleged negligence in discharge of duties. Even otherwise, the conclusion drawn by the Inquiry Officer appears to be based upon a checking report, the authenticity whereof is rendered doubtful in view of the apparent alteration in the name of the signatory from “Kamaljit Singh” to “Kamaljit Kaur,” a fact which has not been satisfactorily explained by the respondents.

7. Further, it is an admitted position that the electricity meter in question had been deposited with the AEME, Mandi Gobindgarh, for technical examination. However, the report of such examination, which allegedly did not substantiate any case of theft, has not been duly considered



either by the Inquiry Officer or by the disciplinary authority while passing the impugned order of punishment. Ignoring such a vital piece of evidence vitiates the decision-making process and renders the findings perverse.

8. There is yet another significant aspect of the matter. From the record, it emerges that the charge-sheet was issued under Rule 10 of the Punjab State Electricity Board Employees (Punishment and Appeal) Regulations, 1971, which pertains to minor penalties. However, the penalty ultimately imposed upon the petitioner is that of dismissal from service, which is admittedly a major penalty. The procedure for imposing a major penalty is distinct and is mandatorily required to be followed in terms of Regulation 8 of the 1971 Regulations.

8.1 Admittedly, the charge-sheet issued by the respondent–Corporation was under Rule 10 of the Punjab State Electricity Board Employees (Punishment & Appeal) Regulations, 1971 (hereinafter referred to as the “1971 Regulations”), which prescribes the procedure for imposition of minor penalties. The report (Annexure P-8) submitted by the Additional Executive Engineer, Operation Division, in respect of charge-sheet No. 16425 dated 19.12.2014, recorded a finding of negligence against the petitioner. Thereafter, the inquiry report dated 29.12.2015 (Annexure P-9) concluded that the electricity meter bearing Account No. MX64/143 (DS) stood installed in the name of the petitioner and that he had been availing exemption on the said account.



8.2 Pursuant thereto, the Punishing Authority, vide order dated 02.03.2016 (Annexure P-10), held the charges levelled against the petitioner to be proved and, consequently, imposed the penalty of termination from service. The Punishing Authority, while placing reliance upon the report of the Additional Executive Engineer (Annexure P-8), the inquiry report submitted by the Senior Executive Engineer, Division Amloh, as well as the reply furnished by the petitioner, returned a finding of guilt attributing theft of electricity to the petitioner and proceeded to terminate his services.

8.3 A bare perusal of Regulation 5 of the 1971 Regulations makes it abundantly clear that termination from service constitutes a major penalty. The procedure governing the imposition of such major penalties is prescribed under Regulation 8 of the said Regulations. The relevant provisions are reproduced hereunder:-

“PART-IV Procedure for Imposing Penalties
PROCEDURE FOR IMPOSING MAJOR PENALTIES

8. (1) No order imposing any of the penalties specified in clauses (v) to (ix) of Regulation 5 shall be made except after an inquiry held, as far as may be in the manner provided in this regulation and regulation 9 or in the manner provided hereinafter.

(2) Whenever the punishing authority or any other authority empowered by the Board, by general or special order, is of the opinion that there are grounds for inquiring into the truth of any allegations against an employee, it may itself, inquire into or appoint under this regulation an authority, to inquire into the truth thereof.



Explanation

Where the punishing authority itself holds the inquiry, any reference in sub-regulation (7) to (20) and in sub regulation (22) to the inquiring authority shall be construed as a reference to the punishing

(3) Where it is proposed to hold an inquiry against an employee under this regulation and regulation 9, the punishing authority shall draw up or cause to be drawn up;

(i) the substance of the allegations into definite and distinct articles of charges;

(ii) a statement of allegations in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the employee;

b) a list of documents by which and list of witness by whom, the articles of charge are proposed to be sustained.

(4) The punishing authority shall deliver or cause to be delivered to the employee a copy of the articles of charge, the statement of allegations and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, with-in such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

Provided that in such cases where the punishing or the appellate authority happens to be the W.T. Ms/Board, a hearing to the employee concerned before imposing the punishment or deciding the appeal, shall be given on behalf of the W.T. Ms/ Board by the Chairman or any other Member to be nominated by him.

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Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross- examine and re-examine any such witnesses as herein-before provided.

23) (i) After conclusion of the inquiry, a report shall be prepared and it shall contain:-

(a) the articles of charge and the statement of allegations;

(b) the defence of the employee in respect of each article of charge;

(c) an assessment of the evidence in respect of each article of charge;

(d) the findings on each article of charge and the reasons therefor.

Explanation:

if in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge :

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted facts on which such article of charge is based or has had a reasonable opportunity to defending himself against such article of charge



- (ii) The inquiring authority 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 clause (i)*
 - (b) the written statement of defence, if any, submitted by the employee;*
 - (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 employee or both during the course of the inquiry; and*
 - (e) The orders, if any, made by the punishing authority and the inquiring authority in regard to the inquiry.*

8.4 A bare perusal of Regulation 8 reveals that each article of charge proposed to be sustained against an employee is required to be duly communicated to the delinquent employee, who must thereafter be afforded an adequate opportunity to submit his defence. Further, Regulation 8(23) of the Regulations, 1971 mandates that upon conclusion of the inquiry, the Inquiring Authority shall prepare a report containing the articles of charge, the findings recorded on each article, along with the reasons therefor, and submit the same to the Disciplinary/Punishing Authority for appropriate action.

8.5 It is thus manifest that the framing and communication of specific articles of charge constitute a foundational prerequisite for the imposition of any major penalty. In the present case, it is an admitted position that the petitioner was never apprised of any article of charge



warranting imposition of a major penalty. Even the charge-sheet dated 29.12.2014 (Annexure P-7) explicitly indicates that the proceedings were initiated under Rule 10 of the Regulations, which pertains only to minor penalties. In such circumstances, it is wholly inexplicable as to how the Punishing Authority proceeded to impose a major penalty without adhering to the mandatory procedural safeguards prescribed under the Regulations.

8.6 Consequently, the impugned order is vitiated on account of patent procedural irregularity and stands in clear violation of the principles of natural justice. It is well settled that the scope of judicial review in disciplinary matters is limited; however, interference is warranted where the findings are perverse, arbitrary, or suffer from procedural impropriety resulting in miscarriage of justice. In this regard, reliance may be placed upon the judgments of the Hon'ble Supreme Court in *State of A.P. v. Sree Rama Rao, AIR 1963 SC 1723*, and *State of A.P. v. Chitra Venkata Rao, AIR 1975 SC 2151*.

9. The respondents have failed to demonstrate that the procedure prescribed for imposition of a major penalty was adhered to. Initiation of proceedings under the provision meant for minor penalties and culmination thereof into a major penalty, without following the prescribed procedure, strikes at the very root of the disciplinary proceedings and is in clear violation of the principles of natural justice.

10. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the impugned order of punishment dated



02.03.2016 (Annexure P-10), as well as the appellate order dated 03.06.2016 (Annexure P-11), cannot be sustained in the eyes of law and are liable to be set aside.

11. Accordingly, the present writ petition is allowed. The impugned orders dated 02.03.2016 (Annexure P-10) and 03.06.2016 (Annexure P-12) are hereby set aside and quashed. The petitioner shall be entitled to all consequential benefits within a period of three months from the date of receiving the certified copy of this order.

12. Pending application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

30.03.2026
Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/Nos