

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-29943-2018 (O&M)

Rulda Ram

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

1.	Judgment reserved on	08.05.2026
2.	Judgment pronounced on	22.05.2026
3.	Judgment uploaded on	25.05.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Vanshika Daaria, Advocate for the petitioner

Ms. Mayuri Lakhanpal, DAG Haryana

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, inter alia, for issuing a writ of certiorari quashing the inquiry report dated 11.10.1993 (Annexure P4) as well as the order dated 08.02.1994 (Annexure P5) whereby the petitioner was dismissed from service as also the appellate order dated 04.07.2018 (Annexure P6). He seeks a direct ion to the respondents to reinstate him with all consequential benefits and arrears.

(2). The principal contention raised by the petitioner is that the departmental inquiry culminating into the dismissal order dated 08.02.1994 stood vitiated on account of violation of principles of natural justice. According to the petitioner, though he initially proceeded on sanctioned leave and thereafter sought extension through telegrams, he was neither informed regarding rejection thereof nor afforded fair opportunity during inquiry proceedings. It has further been contended that an earlier dismissal order had

already been passed on 09.04.1993 and later withdrawn on technical grounds, thereby reflecting a pre-determined mindset of the respondents.

(3). On the other hand, the respondents have opposed the petition by contending that the petitioner remained wilfully absent from duty after expiry of sanctioned leave and despite repeated notices directing him to join duties, he failed to do so. It has further been submitted that regular departmental inquiry was conducted after granting adequate opportunities to the petitioner.

(4). Heard learned counsel for the parties and the judgment was kept reserved on 08.05.2026.

(5). The petitioner has specifically pleaded that on 16.09.1993, he appeared before the Inquiry Officer alongwith the clerk (Munshi) of his counsel and sought adjournment as the counsel himself could not appear. However, the request was declined and the witnesses were proceeded with on the same day. The petitioner has further alleged that the witnesses were cross-examined by the Inquiry Officer himself and thereafter, despite no formal closure of defence evidence and despite petitioner's subsequent letter dated 19.09.1993 seeking intimation of next date, the inquiry report came to be submitted on 11.10.1993.

(6). The aforesaid factual assertions have not been effectively controverted by the respondents. The record also does not disclose that after 16.09.1993, any meaningful opportunity was granted to the petitioner to lead defence evidence before submission of inquiry report. Rather, the material on record indicates that the inquiry, in substance, stood concluded on 16.09.1993 itself despite specific request for adjournment.

(7). In *State of Uttar Pradesh versus Saroj Kumar Sinha, (2010) 2 SCC 772*, the Supreme Court held that even in departmental proceedings,

reasonable opportunity to defend must be afforded and the Inquiry Officer must act fairly and independently. Similarly, in **Roop Singh Negi versus Punjab National Bank and others, (2009) 2 SCC 570**, it was held that departmental proceedings being quasi-judicial in nature must conform to principles of natural justice.

(8). The petitioner's grievance also gains support from the admitted fact that an earlier dismissal order had already been passed prior to holding regular inquiry and was later withdrawn on technical grounds. The sequence of events, therefore, creates a reasonable apprehension that the inquiry proceedings were conducted in undue haste.

(9). The appellate authority while rejecting the departmental appeal vide order dated 04.07.2018 has also failed to adequately consider the specific objections raised by the petitioner regarding denial of opportunity during inquiry proceedings. This assumes greater significance because this Court while deciding RSA No.1882 of 1999 on 18.04.2018 had specifically directed the appellate authority to pass a speaking order after due consideration of the petitioner's plea. The appellate order, however, does not meaningfully deal with the petitioner's principal grievance regarding conclusion of inquiry proceedings on 16.09.1993 despite request for adjournment and absence of opportunity to lead defence evidence.

(10). This Court is conscious of the fact that unauthorized absence in a disciplined force like the Prisons Department constitutes a serious misconduct. However, the gravity of charge cannot dilute the mandatory requirement of adherence to principles of natural justice. In **Managing Director, ECIL versus B. Karunakar, (1993) 4 SCC 727**, the Supreme Court held that observance of

principles of natural justice is indispensable in disciplinary proceedings and prejudice stands established where denial of reasonable opportunity affects the employee's right of defence.

(11). In the considered opinion of this Court, the cumulative effect of the circumstances noticed above clearly establishes that the petitioner was denied a fair and effective opportunity to defend himself during the departmental inquiry. The inquiry proceedings, thus stand vitiated on account of violation of principles of natural justice. Consequently, the dismissal order dated 08.02.1994 as well as the appellate order dated 04.07.2018 cannot be sustained in the eyes of law and are hereby quashed.

(12). Accordingly, this writ petition is allowed and the impugned dismissal order dated 08.02.1994 (Annexure P5) and appellate order dated 04.07.2018 (Annexure P6) and all ancillary proceedings in relation thereto, are hereby quashed. As a consequence thereof, the petitioner shall be entitled to all service and retiral benefits and the arrears thereof shall be disbursed to the petitioner along with interest @ 6% p.a. from the date of passing of the dismissal order dated 08.02.1994 till its realization. The same shall be done within a period of 8 weeks from the date of receipt of certified copy of this order.

(13). Pending applications, if any, shall also stand disposed of.

22.05.2026

V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?* :
2. *Whether reportable?* :

Yes/No
Yes/No