

2026.PHHC:048588



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

201

**CWP-22147-2024 (O&M).
Date of Decision: 18.03.2026.**

Satbir Singh Sabharwal

....Petitioner.

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others Respondents.

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohnish Sharma, Advocate for the petitioner.

Mr. Puneet Jindal, Senior Advocate with
Mr. Rohit Sharma, Advocate for respnodent-Nigam.

HARPREET SINGH BRAR, J.

CM-13254-CWP-2025

This application under Section 151 CPC has been filed for placing on record the written statement on behalf of respondents No.1 to 6.

The application is allowed and the written statement filed on behalf of respondents No.1 to 6 is taken on record, subject to all just exceptions. Copy of the same has been supplied to learned counsel for the petitioner. Registry to tag the same at an appropriate place.

Main Case

The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned office order No. 161 dated 31.01.2017

(Annexure P-7), the appellate order dated 24.01.2019 (Annexure P-10), and the revisional order dated 24.07.2024 (Annexure P-13). A further prayer has been made seeking stay on the operation of impugned order dated 31.01.2017 (Annexure P-7).

2. Learned counsel for the petitioner *inter alia* contends that the entire disciplinary proceedings are vitiated as they were conducted in complete violation of the Uttar Haryana Bijli Vitran Nigam Employees (Punishment and Appeal) Regulations, 2018. It is argued that the Enquiry Officer was not appointed in accordance with the regulations, the petitioner was not given an adequate opportunity to cross-examine the witnesses, and the enquiry report was never shared with him before the final order was passed. He further submits that the appellate authority, i.e., the Director (Tech.-II), dismissed his appeal as time-barred without affording him any opportunity of being heard, which is a gross violation of the principles of natural justice. Regarding the revision, it is argued that the same was decided by an incompetent authority, and no reasons were recorded for its rejection. Learned counsel also places heavy reliance on the fact that co-delinquent officials, including JE Mahavir Singh Dhanda, were let off with a mere warning for the same set of lapses, whereas the petitioner was awarded the major penalty of stoppage of one annual increment with future effect, thereby arguing that the principle of parity and proportionality was completely ignored by the disciplinary authority.

3. *Per contra*, learned senior counsel for the respondents submits that the disciplinary proceedings were conducted in strict compliance with the UHBVN Employees (Punishment and Appeal) Regulations, 2018. He points out that a proper charge-sheet was issued, the petitioner submitted his replies,

and an enquiry was conducted. It is argued that the Enquiry Officer was duly appointed by the competent authority and that the petitioner participated in the proceedings. Learned counsel emphasizes that the Disciplinary Authority, after considering the evidence on record, including the fact that the MCO was issued at a belated stage by the petitioner, held the charges to be proved. Regarding the appeal, it is submitted that the petitioner's appeal was filed beyond the prescribed period of limitation, and as no satisfactory explanation was provided for the delay, the appellate authority was fully justified in rejecting the same as time-barred. It is further argued that the decision in the revision was communicated to the petitioner, and the same was considered on its merits and found to be devoid of substance. Regarding the quantum of punishment, it is submitted that the punishment is a minor penalty and is commensurate with the gravity of the misconduct, which pertained to dereliction of duty and a lapse in timely follow-up for replacement of a meter, leading to revenue loss. It is argued that the principle of parity does not apply as each case is decided on its own facts and the level of responsibility of the officials involved. He submits that since the proper procedure was followed, findings are based on evidence, and the punishment is not disproportionate, the petition is liable to be dismissed.

4. Having heard the learned counsel for the parties and after perusing the records with their able assistance, it transpires that the petitioner, a Commercial Assistant (CA) with the respondent Nigam, was charge-sheeted vide memorandum dated 25.08.2014 for not taking any action in getting the MCO issued and for follow-up for replacement of the meter, as a consumer was being billed on an average basis w.e.f. 09/2013. Following an enquiry, a punishment of stoppage of one annual increment with future effect was

imposed upon the petitioner vide order dated 31.01.2017. The petitioner filed an appeal on 05.09.2018, which was rejected as time-barred by the appellate authority on 24.01.2019. The petitioner later filed a civil suit which was dismissed on 23.10.2023. A revision appeal was then filed on 06.05.2024, which was dismissed by the management on 24.07.2024 on the ground that no new evidence had been brought out.

5. Indeed this Court has been called upon to examine the validity of disciplinary proceedings and the consequent punishment imposed upon the petitioner. The scope of judicial interference in disciplinary proceedings is very narrow and instances where it can happen has been categorically stipulated by the Hon'ble Supreme Court.

6. A Two-Judge Bench of the Hon'ble Supreme Court in ***Union of India vs. P. Gunasekaran, (2015) 2 SCC 610***, speaking through Justice Kurian Joseph, made the following observations in this regard:

*“12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. **In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence.** The High Court can only see whether:*

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*

- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;
- (i) the finding of fact is based on no evidence.

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappraise the evidence;
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;
- (iii) go into the adequacy of the evidence;
- (iv) go into the reliability of the evidence;
- (v) interfere, if there be some legal evidence on which findings can be based.
- (vi) correct the error of fact however grave it may appear to be;
- (vii) go into the proportionality of punishment unless it shocks its conscience.”

(emphasis added)

7. Furthermore, a Two-Judge Bench of the Hon’ble Supreme Court in **S.R. Tewari vs. Union of India, (2013) 6 SCC 602**, speaking through Justice B.S Chauhan, made the following observations in this regard:

“ 29. In *Union of India v. R.K. Sharma* [(2001) 9 SCC 592 : 2002 SCC (Cri) 767 : AIR 2001 SC 3053] , this Court explained the observations made in *Ranjit Thakur* [*Ranjit Thakur v. Union of India*, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] observing that if the charge was ridiculous, the punishment was harsh or strikingly disproportionate it would warrant interference. However, the said observations in *Ranjit Thakur* [*Ranjit Thakur v. Union of India*, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] are not to be taken to mean that a court can, while exercising the power of judicial review, interfere with the punishment merely because it considers the punishment to be disproportionate. **It was held that only in extreme cases, which on their face, show perversity or irrationality, there could be judicial review and courts should not interfere merely on compassionate grounds.**”

8. It is settled law that this Court may only exercise its powers under Article 226 of the Constitution of India when the findings recorded in a

disciplinary action are arbitrary, tainted with procedural illegality, or manifest prejudice. This Court cannot reappreciate the matter on merits and substitute the conclusion drawn by the concerned authority with its own. A High Court cannot sit in appeal over decisions taken in disciplinary proceedings. The Court must confine itself to ensuring that the findings are justified by the material on record, the proceedings were conducted in compliance with prescribed procedure and principles of natural justice, and the penalty imposed is proportionate to the misconduct.

9. In the present case, the record reveals that the disciplinary proceedings were initiated and conducted by a competent authority in accordance with the prescribed procedure under the UHBVN Regulations, 2018. The charge-sheet dated 25.08.2014 (Annexure P-1) was issued to the petitioner. The petitioner submitted his detailed reply dated 13.01.2017 (Annexure P-2) and an additional reply dated 17.01.2017 (Annexure P-3). An enquiry was conducted, and the Enquiry Officer submitted a report (Annexure P-4). A show cause notice dated 24.01.2017 was issued to the petitioner, to which he also submitted a reply. The Disciplinary Authority, after considering the entire material, passed a reasoned order dated 31.01.2017 (Annexure P-7), holding that the charged official was responsible for the delay and imposing the minor penalty of stoppage of one annual increment with future effect.

10. The contention of the petitioner that the principles of natural justice were violated by denying him the opportunity to cross-examine witnesses is not borne out from the record of the departmental proceedings. The petitioner participated in the enquiry and submitted detailed written submissions. The enquiry officer conducted the proceedings, and there is no allegation that any request for cross-examination was made and refused. The

conclusion of the disciplinary authority that the petitioner was responsible for the lapses is based on the evidence on record, including the fact that the consumer was billed on an average basis from 09/2013, and the MCO was not issued timely by the petitioner. The finding is, therefore, based on some evidence and thus cannot be regarded as perverse.

11. Regarding the appeal, the record shows that the petitioner filed an appeal on 05.09.2018 against the order dated 31.07.2017. The appellate authority, in its order dated 24.01.2019 (Annexure P-10), rejected the appeal on the ground of delay. While it is true that an appeal should be heard on merits wherever possible, the statutory rules provide a period of limitation. The petitioner has failed to demonstrate that a sufficient explanation for the delay was furnished. As such, the appellate authority's decision cannot be said to be perverse or without jurisdiction. The subsequent civil suit filed by the petitioner was also dismissed on merits by the learned Civil Court after a full trial, wherein the court specifically held that the quantum of punishment is the sole prerogative of the punishing authority and that the Court cannot sit as an appellate authority.

12. The learned Civil Court in its judgment dated 23.10.2023, rightly observed that the Court cannot go into the adequacy of the evidence or the proportionality of the punishment unless it shocks the conscience. The punishment of stoppage of one annual increment with future effect is a minor penalty and cannot be said to be so shockingly disproportionate as to warrant interference by this Court under Article 226 of the Constitution of India.

13. The petitioner has failed to demonstrate that the inquiry was conducted by an incompetent authority, that there was a violation of natural justice, or that the findings are based on no evidence, or that the punishment is

shockingly disproportionate and thus perverse. The submissions made by the petitioner essentially seek a re-appreciation of evidence, which is beyond the scope of judicial review in writ jurisdiction.

14. No other argument was raised.

15. Consequently, this Court finds no grounds to interfere with the impugned orders. The writ petition being devoid of merit is accordingly dismissed.

16. No order as to costs.

(HARPREET SINGH BRAR)
JUDGE

18.03.2026
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No