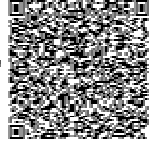


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:050612-DB



LPA-1004-2018 (O&M)
Date of Decision: 01.04.2026

The Chairman Haryana State Electricity Board, Pkl and others

...Appellants

Vs.

Karam Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Baldev Raj Mahajan, Sr. Advocate with
Ms. Anupama Sharma, Advocate and
Ms. Nitika Goel, Advocate for the appellants.

Mr. P.S. Rana, Advocate for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

1. Learned Single Judge has allowed the writ petition quashing the orders of the disciplinary authority imposing minor punishment of rolling of two annual increments without cumulative effect on the ground that once the disciplinary inquiry was initiated, the same ought to have been taken to its logical end.

2. Learned Single Judge has observed as under in para No.6 to 9 of the judgment:-

“6. The question for consideration is as to whether the charge sheet once having been issued and reply filed and received,

could the respondent-Board discontinue with the enquiry and impose minor penalties in violation of the principles of natural justice. In the charge sheet, the proposal was downgrading the ACR only in case petitioner was found responsible for the alleged misconduct. If the charge sheet contains such a proposal, then responsibility could have only been fastened at a regular enquiry upon evidence on each of the charges to establish guilt or innocence. But that procedure was not adopted. The Secretary of the Board fell in grave error in passing the impugned order dated 27.08.1993 straightaway as though guilt was proven, calling for imposition of the penalty inflicted.

7. Though the punishment imposed is minor but this does not entitle the punishing authority to act whimsically and as per his personal wishes. There is no discussion in the order as to why the penalty was imposed without first establishing guilt of the petitioner. One of the charges were giving undue favour and acting mala fide which touched on corruption. Therefore, the authority was enjoined in law to offer him a reasonable opportunity in a full-fledged enquiry to explain his position and prove his innocence. The punishment of stoppage of increments is apparently beyond the charge sheet. The downgrading of the ACR is based on only ipse dixit of the punishing authority without any material to support such a conclusion in the absence of proven guilt. Mr. P.S. Rana may not be incorrect in

his argument that two punishments have been imposed in the same order, which is highly impermissible.

8. Coupled with these two punishments, virtually even a third punishment has been imposed blindly by depriving the petitioner of the arrears of full salary for the period of suspension. The subsequent order dated 30.03.1994 also does not stand test of reason, the decision being arbitrary and not based on a proper understanding of Rule 7.3(5) of CSR Vol. I Part I.

9. It is well settled that any punishment imposed beyond charge sheet is vitiated in law. I have, therefore, no doubt in my mind that the impugned orders dated 27.08.1993 and 30.03.1994 and the order in appeal cannot be legally sustained as they suffer from fundamental errors apparent on the face of record.”

3. We find that the disciplinary authority, except for observing that the reply submitted by the respondent was unsatisfactory, has not assigned any reasons for imposing the minor penalty. This was a case where a regular charge-sheet was issued on serious allegations of misconduct on the part of the respondent–petitioner. However, in the regular inquiry, the charges were not proved.

4. In reply to the charge-sheet, the respondent had specifically denied the allegations levelled against him. In such circumstances, merely observing that imposition of a minor penalty would sub-serve the purpose, on the ground that the charges are serious, cannot be sustained. Even if the rules permit imposition of a minor penalty in a case where proceedings for a major penalty had been initiated, such an order can be passed only after issuance of a show cause notice and affording a reasonable opportunity to submit a

representation. In the present case, we find that the reply submitted by the petitioner has not been adverted to.

5. In such circumstances, the order of punishment otherwise cannot be sustained when there are no specific reasons recorded for not accepting the reply of the respondent.

6. Considering the fact that this is otherwise a case of minor punishment which stood quashed and no interim order was granted as such and the order impugned in most likelihood may have been given effect to as the appeal has remained pending for last eight years without any interim protection and therefore, considering the facts in its entirety, we do not find any occasion to interfere with the judgment passed by the learned Single Judge. Consequently, the appeal fails and is dismissed.

7. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

01.04.2026
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No