

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP-1967-2026

BALJEET SINGH

...PETITIONER

VERSUS

UNION OF INDIA AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vivek Tiwari, Advocate for the petitioner(s)
(through hybrid mode)

1.	The date when the judgment is reserved	06.02.2026
2.	The date when the judgment is pronounced	19.03.2026
3.	The date when the judgment is uploaded	20.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition under Article 226 of the Constitution of India seeks quashing of the departmental action vide reply no. J.II-30/2021-Vig (Legal) by respondent no. 2 (DG CRPF) dated 21.12.2021 (Annexure P-13) affirming dismissal order dated 27.05.2004 (Annexure P-4) passed by respondent no. 5 by which the petitioner has been wrongfully dismissed from service and orders dated 17.11.2005 (Annexure P-10), 14.03.2005 (Annexure P-9) and 28.08.2004 (Annexure P-6) passed by respondents no. 2,3 and 4 respectively whereby review, revision and appeal filed by the petitioner

against dismissal order dated 27.05.2004. With a further prayer for directing the respondents to reinstate the petitioner forthwith with all consequential benefits including back wages along with arrears.

The Conspectus Of Facts

2. The Petitioner was appointed as a Constable in the Central Reserve Police Force (CRPF) on 25.09.1995 in 110 Battalion and served with dedication and an unblemished record. In the year 2002, the Petitioner was issued a charge sheet under Section 11(1) of the CRPF Act, 1949, alleging that he had gone to Imphal without permission and that on one occasion he was found sleeping while allegedly under the influence of liquor. After conducting a departmental inquiry, the disciplinary authority imposed a minor penalty of stoppage of annual increment for two years without cumulative effect in February 2003.
3. Subsequently, in January 2004, the Petitioner was again served with another charge sheet, wherein two of the charges were identical to those for which he had already been punished in 2003. The inquiry proceedings were conducted without supplying the petitioner with the relevant documents relied upon by the Inquiry Officer and without providing adequate opportunity to defend himself.
4. The petitioner was also not issued any show cause notice proposing the punishment of dismissal, nor was he informed that the disciplinary authority intended to impose a major penalty, especially when the proceedings had been initiated under Section 11(1) of the CRPF Act, which pertains only to minor punishments.
5. The Inquiry Officer submitted his report and a communication dated

13.05.2004 was issued to the Petitioner asking him to submit his representation within 15 days. However, without waiting for the expiry of the mandatory period and without considering the Petitioner's representation, the disciplinary authority passed the impugned order dated 27.05.2004 dismissing the Petitioner from service.

6. Aggrieved by the order of dismissal, the Petitioner filed a statutory appeal, which was dismissed by the appellate authority on 28.08.2004 without properly considering the grounds raised, including the plea of double jeopardy, procedural irregularities, and lack of jurisdiction to impose major punishment.

7. Thereafter, the petitioner preferred a revision petition, which was also dismissed mechanically on 14.03.2005, followed by dismissal of the review/mercy petition on 17.11.2005, without addressing the serious procedural and legal infirmities in the disciplinary proceedings.

8. The petitioner had earlier approached this Court by filing CWP No. 2888 of 2006, which was permitted to be withdrawn with liberty to approach the Director General, CRPF for reconsideration of his case. Pursuant to the liberty granted by the High Court, the petitioner issued a legal notice dated 10.08.2021 to the Director General, CRPF, seeking reconsideration of the dismissal order and raising serious legal issues including lack of jurisdiction, violation of principles of natural justice, and double jeopardy.

9. However, the Respondents vide reply dated 21.12.2021 rejected the representation of the Petitioner in a mechanical and non-speaking manner, merely reiterating the earlier decisions without addressing the substantive legal grounds raised by the Petitioner.

10. Being aggrieved by the impugned dismissal order dated 27.05.2004 and the subsequent appellate, revisional, and review orders, as well as the rejection communicated on 21.12.2021, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Contentions

On behalf of Petitioners

11. Learned counsel for the Petitioner submits that the impugned order of dismissal dated 27.05.2004 is without jurisdiction, as the disciplinary proceedings were initiated under Section 11(1) of the CRPF Act, 1949, which provides only for minor punishments. Therefore, the imposition of the major penalty of dismissal is contrary to the statutory scheme and liable to be set aside.

12. It is further contended that the action of the respondents is vitiated due to violation of the principles of natural justice, as the petitioner was never issued a show-cause notice proposing the punishment of dismissal nor informed that such a major penalty was contemplated.

13. Learned counsel submits that the dismissal order was passed even before the expiry of the stipulated period granted to the petitioner for submitting his representation against the inquiry report, thereby depriving him of a fair and reasonable opportunity of defence.

14. It is also argued that the proceedings suffer from the vice of double jeopardy, since two of the charges forming part of the subsequent charge-sheet were identical to those for which the petitioner had already been punished earlier by stoppage of increments. Learned counsel further submits that the

findings recorded in the inquiry are not supported by cogent evidence, particularly with regard to the allegation of consumption of liquor, which was never corroborated by any medical examination.

15. Lastly, it is contended that the appellate, revisional and review authorities passed mechanical and non-speaking orders without addressing the serious procedural and jurisdictional infirmities raised by the petitioner, and that the punishment of dismissal is grossly disproportionate to the nature of the allegations.

16. Arguments were heard and the judgement was kept reserved on 06.02.2026.

Analysis

17. Having heard learned counsel for the parties and perused the material placed on record, this Court shall proceed to examine whether the challenge to the impugned order dated 27.05.2004 is within the well-settled parameters governing judicial review of departmental proceedings.

18. At the outset, it is necessary to reiterate that in service jurisprudence, the scope of interference under Article 226 of the Constitution is circumscribed. The High Court does not sit as an appellate authority over disciplinary proceedings and cannot re-appreciate evidence as if it were a court of appeal. The Court is only concerned with the decision-making process, namely whether the inquiry was conducted in accordance with law, whether principles of natural justice were observed, and whether the findings are supported by some evidence. The Supreme Court in the case of ***Union of India and others v. Upendra Singh (1994) 3 SCC 357***, has held as under:-

"5. The said statement of law was expressly affirmed by a seven-

Judge Bench in Ujjam Bai v. State of UP. The reason for this dictum is self-evident. If we do not keep to the broad and fundamental principles that regulate the exercise of jurisdiction in the matter of granting such writs in English law, the exercise of jurisdiction becomes rudderless and unguided; it tends to become arbitrary and capricious. There will be no uniformity of approach and there will be the danger of the jurisdiction becoming personalized. The parameters of jurisdiction would vary from Judge to Judge and from Court to Court. (Some say, this has already happened.) Law does advance. Jurisprudence does undoubtedly develop with the passage of time, but not by forgetting the fundamentals. You have to build upon the existing foundations and not by abandoning them. It leads to confusion; it does not assist in coherence in thought or action.

6. In the case of charges framed in a disciplinary inquiry the tribunal or court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the tribunal has no jurisdiction to go into the correctness or truth of the charges. The tribunal cannot take over the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to court or tribunal, they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority as the case may be. The function of the court/tribunal is one of judicial review, the parameters of which are repeatedly laid down by this Court. It would be sufficient to quote the decision in H.B. Gandhi, Excise and Taxation Officer-cum- Assessing Authority, Karnal v. Gopi Nath & Sons. The Bench comprising M.N. Venkatachaliah, J. (as he then was) and A.M. Ahmadi, J., affirmed the principle thus: (SCC p.317, para 8)

"Judicial review, it is trite, is not directed against the decision but is confined to the decision-making process. Judicial review cannot extend to the examination of the correctness or reasonableness of a decision as a matter of fact. The purpose of judicial review is to ensure that the individual receives fair treatment and not to ensure that the authority after according fair treatment reaches, on a matter which it is authorized by law to decide, a conclusion which is correct in the eyes of the Court. Judicial review is

not an appeal from a decision but a review of the manner in which the decision is made. It will be erroneous to think that the Court sits in judgment not only on the correctness of the decision making process but also on the correctness of the decision itself."

7. Now, if a court cannot interfere with the truth or correctness of the charges even in a proceeding against the final order, it is understandable how can that be done by the tribunal at the stage of framing of charges? In this case, the Tribunal has held that the charges are not sustainable (the finding that no culpability is alleged and no corrupt motive attributed), not on the basis of the articles of charges and the statement of imputations but mainly on the basis of the material produced by the respondent before it, as we shall presently indicate."

19. Similarly, the Supreme Court in “**B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749**”, held that,

"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence.

20. Also in the recent case of “**Union of India v. Subrata Nath 2022 INSC 1221**”, it was held by the Apex court that disciplinary authority in uniformed services must maintain strict discipline, and courts should tread

cautiously in interfering with the punishment imposed for serious misconduct.

Relevant extract is as follows:

15. It is well settled that courts ought to refrain from interfering with findings of facts recorded in a departmental inquiry except in circumstances where such findings are patently perverse or grossly incompatible with the evidence on record, based on no evidence. However, if principles of natural justice have been violated or the statutory regulations have not been adhered to or there are malafides attributable to the Disciplinary Authority, then the courts can certainly interfere.

21. With this foundational principle, the Court now examines the facts of the present case and determines whether interference is justified.

22. The factual matrix reveals that the petitioner was found sleeping while on sentry duty on 26.10.2003 between 2:00 P.M. and 4:00 P.M., for which he was dealt with in the orderly room and awarded the punishment of confinement to lines for a period of 20 days with effect from 30.10.2003. Subsequently, on 9.11.2003, at the time of check roll call at 6:00 P.M., the petitioner was found missing; despite searches in the nearby area, his whereabouts could not be ascertained, and his desertion was reported to the Police Station on 10.11.2003, followed by a formal complaint and issuance of arrest warrants. The petitioner ultimately surrendered at the Battalion headquarters on 23.12.2003 at about 7:30 P.M., whereafter he was released from judicial custody on 24.12.2003 and departmental proceedings were initiated against him.

23. In the course of the said proceedings, the petitioner was served with articles of charge, and an Inquiry Officer was appointed. He admitted his guilt, by pleading guilty at the preliminary stage. The Inquiry Officer then recorded the evidence of the prosecution witnesses in the presence of the petitioner,

provided him with copies of their statements, and offered an opportunity to cross-examine them; the petitioner declined. Subsequently, the petitioner was given a period of fifteen days to produce evidence in his defence and he failed to do so. Thereafter, the Inquiry Officer completed the inquiry and submitted his report. Such conduct clearly demonstrates that the inquiry proceedings were conducted in compliance with the procedural safeguards prescribed under the relevant rules.

24. The argument advanced on behalf of the petitioner that the proceedings were initiated under Section 11(1) of the CRPF Act which pertains to imposition of minor penalty and therefore the punishment of dismissal could not have been imposed, does not merit acceptance. The same can be referred to as hereunder:

Section 11. Minor punishments.:

(1) The Commandant or any other authority or officer as may be prescribed, may, subject to any rules made under this Act award in lieu of or in addition to, suspension or dismissal any one or more of the following punishments to any member of the force whom he considered to be guilty of disobedience, neglect of duty, or remissness in the discharge of any duty or of other misconduct in his capacity as a member of the force, that is to say :-

(a) reduction in rank;

(b) fine of any amount not exceeding one month's pay and allowances;

(c) confinement to quarters, lines or camp for a term not exceeding one month;

(d) confinement in the quarter-guard for not more than twenty eight days with or without punishment drill or extra guard, fatigue or other duty; and

(e) removal from any office of distinction or special emolument in

the force.

A plain reading of Section 11 of the CRPF Act would, at first blush, suggest that it is confined to minor punishments, however, such a reading, if divorced from the language employed in the provision itself, would be manifestly incomplete. The section not only enumerates certain lesser penalties but significantly employs the expression “*in lieu of, or in addition to, suspension or dismissal*”, thereby unmistakably indicating that dismissal remains within the disciplinary horizon of the competent authority. The provision, thus, is not restrictive but enabling in nature, designed to confer flexibility in the matter of punishment rather than to impose rigid limitations.

25. When viewed in juxtaposition with Sections 9 and 10 of the CRPF Act, the statutory scheme becomes clearer. Section 9 addresses grave and heinous misconduct warranting stringent consequences, while Section 10 deals with comparatively lesser, yet still penal, infractions such as absence without leave. Section 11, in this continuum, operates as a mechanism for departmental regulation where prosecution is not invoked. Yet, it does not follow that the authority is thereby stripped of the power to impose dismissal; rather, the provision contemplates a spectrum of disciplinary responses calibrated to the nature of misconduct. In this backdrop, the source of the power to impose dismissal must be located in the Act read as a cohesive whole, supplemented by the governing Rules, and not in a narrow or pedantic reading of Section 11 alone. The petitioner’s contention, founded upon an assumed limitation of power, thus collapses upon a closer scrutiny of the statutory framework and the factual matrix.

26. Turning to the facts at hand, the charges against the petitioner are

not of a trivial character. Allegations of absence from duty and negligence while on sentry duty strike at the core of discipline expected in a uniformed force. Such conduct cannot be compartmentalized as warranting only minor corrective measures. The record further discloses that the disciplinary authority did not rest content with a summary exercise of power but proceeded to hold a regular inquiry in accordance with the prescribed rules governing major penalties, affording the petitioner due opportunity to participate. Accordingly, the plea of lack of jurisdiction on this score does not commend acceptance.

27. Guidance may be drawn from the judgement of the Apex court in **“Union of India vs Ghulam Mohd. Bhat 2005 INSC 511”** wherein it was held as follows:

“A bare perusal of Section 11 shows that it deals with minor punishment as compared to the major punishments prescribed in the preceding section. It lays down that the Commandant or any other authority or officer, as may be prescribed, may, subject to any rules made under the Act, award any one or more of the punishments to any member of the force who is found guilty of disobedience, neglect of duty, or remissness in the discharge of his duty or of other misconduct in his capacity as a member of the force. According to the High Court the only punishments which can be awarded under this Section are reduction in rank, fine, confinement to quarters and removal from any office of distinction or special emolument in the force. In our opinion, the interpretation is not correct, because the section says that these punishments may be awarded in lieu of, or in addition to, suspension or dismissal.

6. The use of words 'in lieu of, or in addition to, suspension or dismissal', appearing in sub-section (1) of Section 11 before clauses (a) to (e) shows that the authorities mentioned therein are empowered to award punishment of dismissal or suspension to the member of force who is found guilty and in addition to, or in lieu thereof, the punishment mentioned in clause (a) to (e) may also be awarded.

7. It may be noted that Section 9 of the Act mentions serious or heinous offences and also prescribes penalty which may be awarded

for them. Section 10 deals with less heinous offences and clause (m) thereof shows that absence of a member of the force without leave or without sufficient cause or overstay without sufficient cause, is also mentioned as less heinous offence and for that also a sentence of imprisonment is provided. It is, therefore, clear that Section 11 deals with only those minor punishments which may be awarded in a departmental inquiry and a plain reading thereof makes it quite clear that a punishment of dismissal can certainly be awarded thereunder even if the delinquent is not prosecuted for an offence under Section 9 or Section 10.”

28. Even otherwise, the petitioner’s contention overlooks the interplay between the Act and the Rules. Rule 27 of the CRPF Rules, 1955 prescribes the procedure for imposition of major penalties, including dismissal, and once such procedure is invoked and duly followed, the disciplinary authority is not denuded of its power to impose a major punishment. In the present case, the respondents have clearly conducted a regular departmental inquiry in consonance with the mandate of Rule 27, affording the petitioner full opportunity of defence; thus, the mere reference to Section 11(1) does not invalidate the ultimate penalty of dismissal.

29. Equally unpersuasive is the argument relating to violation of principles of natural justice. The record clearly indicates that a copy of the inquiry report was furnished to the petitioner with a direction to submit his representation within fifteen days if he so desired. The petitioner, however, failed to submit any representation within the stipulated time. In such circumstances, the disciplinary authority cannot be faulted for proceeding to pass the final order. The law is well settled that when adequate opportunity is afforded but the delinquent employee chooses not to avail it, he cannot subsequently complain of denial of natural justice.

30. The Court also cannot ignore the gravity of the misconduct alleged

against the Petitioner. The charge of desertion from the camp while undergoing punishment strikes at the very foundation of discipline in a uniformed force such as the CRPF. Discipline forms the backbone of any armed or paramilitary force and acts undermining such discipline cannot be viewed lightly. The Supreme Court in “**Union of India v. Datta Linga Toshawad 2005 (13) SCC 709**” has emphasized that members of disciplined forces are expected to maintain the highest standards of conduct and that courts should exercise restraint while interfering with punishments imposed for acts affecting discipline. Relevant extract is as under:

Members of the uniformed forces cannot absent themselves on frivolous pleas, having regard to the nature of the duties enjoined on these forces. Such indiscipline, if it goes unpunished, will greatly affect the discipline of the forces. In such forces desertion is a serious matter. Cases of this nature, in whatever manner described, are cases of desertion particularly when there is apprehension of the member of the force being called upon to perform onerous duties in difficult terrains or an order of deputation which he finds inconvenient, is passed. We cannot take such matters lightly, particularly when it relates to uniformed forces of this country. A member of a uniformed force who overstays his leave by a few days must be able to give a satisfactory explanation.

31. Similarly, in **State of Rajasthan v. Mohd. Ayub Naz 2006 (1) SCC 589**, the Apex Court observed that the adequacy or proportionality of punishment in disciplinary matters relating to uniformed services should ordinarily be left to the discretion of the competent authority, unless the punishment shocks the conscience of the Court, while holding that,

*10. This Court in **Om Kumar and others v. Union of India, (2001)2 SCC 386 : 2001(1) SCT 214**, which considering the quantum of punishment/proportionality has observed that in determining the quantum, role of administrative authority is primary and that of Court is secondary, confined to see if discretion exercised by the administrative authority caused excessive infringement of rights. In the instant case, the authorities have not*

*omitted any relevant materials nor any irrelevant fact taken into account nor any illegality committed by the authority nor the punishment awarded was shockingly disproportionate. The punishment was awarded in the instant case, after considering all the relevant materials and, therefore, **in our view, the** interference by the High Court on reduction of punishment of removal is not called for.*

32. In the present case, considering the admitted conduct of the petitioner and the seriousness of desertion from duty while undergoing a punishment of confinement, the dismissal punishment imposed on the petitioner cannot be said to be so disproportionate as to warrant interference by this Court.

33. The contention relating to double jeopardy is equally untenable. The earlier punishment imposed upon the petitioner in the year 2003 pertained to a separate incident of misconduct. The subsequent proceedings were initiated for acts of desertion and related misconduct committed thereafter. Merely because the disciplinary authority referred to the past conduct of the petitioner while assessing his suitability to continue in service does not render the proceedings illegal. It is well recognized that past service record can legitimately be taken into account while determining the quantum of punishment.

34. The petitioner's grievance that the dismissal order was passed before the expiry of the 15-day period for submitting a representation is not borne out by the record. The inquiry report was duly furnished to the petitioner along with clear directions to submit his representation within fifteen days. The petitioner, however, did not avail himself of this opportunity. The disciplinary authority, therefore, was entitled to proceed with the final order after the period had been reasonably extended or when no response was

received, and such action does not constitute a breach of the principles of natural justice.

35. Furthermore, the appellate, revisional and reviewing authorities have examined the matter and found no infirmity in the disciplinary proceedings. The orders passed by the said authorities indicate that the case of the Petitioner was duly considered and the punishment imposed by the disciplinary authority was found to be justified in the facts and circumstances of the case.

36. In light of the foregoing discussion, this Court is unable to hold that the impugned order suffers from any jurisdictional error, procedural illegality or violation of principles of natural justice warranting interference under Article 226 of the Constitution.

Conclusion

37. Accordingly, this Court finds no merit in the present writ petition. The disciplinary proceedings appear to have been conducted in accordance with the prescribed procedure and the punishment imposed cannot be said to be arbitrary or disproportionate in the present facts and circumstances, especially in context of disciplinary forces.

38. Accordingly, the writ petition stands dismissed being devoid of merit. Pending application(s), if any shall be disposed off, accordingly.

(SANDEEP MOUDGIL)
JUDGE

19.03.2026

NainaRajput

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*