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

**CWP-38946-2025 (O&M)
Date of decision: 14.01.2026**

Kharaiti Lal

... Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Divyansh Shukla, Advocate for
Mr. Sukhdeep Parmar, Advocate
for respondents No.1 to 4.

HARPREET SINGH BRAR, J. (ORAL)

1. 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* seeking quashing of the office order dated 28.08.2025 (Annexure P-19) issued by respondent No.3 and office dated 29.07.2019 (Annexure P-12) issued by respondent No.4, whereby punishment to recover the sharing portion of surcharge amounting to Rs.43,310/- along with stoppage of one annual increment with future effect was imposed in complete violation of Regulation 7 of the Haryana State Electricity Board (HSEB) Employees (Punishment and

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Appeal) Regulations, 1990 and Uttar Haryana Bijli Vitran Nigam Employees (Punishment and Appeal) Regulations, 2018 and further to issue a writ in the nature of *mandamus* directing the respondents to decide the representations dated 23.04.2025 (Annexures P-21, P-22 & P-28) in a time bound manner.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was serving as Upper Division Clerk in the respondent-Corporation in the year 2013 and on 19.07.2013, he was issued a chargesheet (Annexure P-2) for alleged non-billing of a consumer, to which he submitted a detailed reply on 28.03.2017 (Annexure P-4). Despite the fact that the consumer had paid the dues and a circular fixing the responsibility of SDOs and Junior Engineers was issued, the petitioner was awarded punishment of recovery and stoppage of one annual increment with future effect vide office order dated 29.07.2019 (Annexure P-12). Against this order, the petitioner preferred an appeal before the appellate authority, which was rejected vide order dated 13.03.2021 (Annexure P-14) and in the revision filed by him, the order (Annexure P-14) passed by the appellate authority was upheld, as discernible from the order dated 28.08.2025 (Annexure P-19). Thereafter, on the same set of allegations, the petitioner was served multiple additional chargesheets in the year 2025, which are annexed with the present petition as Annexures P-23 to P-27.

3. Learned counsel for the petitioner further contends that the petitioner is a whistle blower and he is being subjected to harassment on this account. Further, the petitioner filed CWP-21692-2024 and this Court, vide



judgment dated 04.03.2025, partly allowed the same along with a bunch of petitions and set aside the orders dated 13.03.2021 (Annexure P-14) and dated 28.08.2025 (Annexure P-19) passed by the appellate authority and revisional authority respectively. In purported compliance of the judgment dated 04.03.2025, the matter has been decided afresh, however, the grounds of appeal or the arguments raised by the petitioner have not been considered and even there is no discussion with regard to ground taken by the petitioner. The appellate authority has merely referred to the facts of the case and dismissed the appeal by recording that no merit has been found in the same. It is further contended that issuance of multiple additional chargesheets vindicates the case of the petitioner that he is being intentionally harassed by the senior officers, as SDOs and Junior Engineers, against whom similar allegations were levelled, have been exonerated vide office orders dated 14.09.2012 and 06.06.2018 (Annexures P-1 & P-7 respectively). Learned counsel for the petitioner relies upon a judgment dated 04.03.2025 rendered by the Coordinate Bench of this Court in **CWP-2316-2020** titled as **Suresh Pal Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others**, along with a bunch of petitions, wherein the petition filed by the petitioner i.e. CWP-21692-2024 was also decided and the order passed by the appellate authority was set aside on the ground that the same was not a reasoned order.

4. *Per contra*, learned counsel for respondents No.1 to 4 opposes the prayer made by the petitioner on the ground that in earlier round of litigation, fundamental issue raised in the writ petition was regarding passing

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of the order by Under Secretary based upon a noting and order of the appellate authority was conveyed in this regard. In compliance of the aforesaid order dated 04.03.2025, the appellate authority afforded an opportunity of hearing to the petitioner and he was also allowed to make his verbal submissions and written representation during the course of hearing as well. Further, the appellate authority considered the material available on record and upon examination, finding no merit in the appeal dated 28.08.2019 (Annexure P-13), the same was dismissed, upholding the decision taken by the punishing/competent authority. Further, it is trite law that only in case of diversion of view, the appellate authority is required to give reasoned order. He relies upon a judgment rendered by the Hon'ble Supreme Court in ***State of Rajasthan and Others Vs. Bhupendra Singh, 2024 INSC 592***. Moreover, challenge to the chargesheets (Annexures P-23 to P-27) is premature, as it is settled law that against the chargesheet and show cause notice, writ petition is not maintainable. The disciplinary proceedings have been initiated and the same would be taken to its logical end by following the drill of procedure prescribed under the applicable rules.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. It is a settled proposition of law that the scope of judicial review in matters relating to departmental enquiry proceedings is extremely limited. Such review cannot assume the character of an appeal, nor does it permit a reassessment of the merits of the decision. The Court is confined to

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scrutinizing the decision-making process to ensure that it conforms to principles of legality and fairness, and that the findings are not rendered perverse or wholly unsupported by evidence. Once it is demonstrated from the record that the findings rest upon some material evidence, it is not open to the Court, in the exercise of its power of judicial review, to re-appreciate or re-weigh the evidence for arriving at a different conclusion. This *lakshman rekha*, demarcating the boundaries of judicial interference, has been consistently recognized and reaffirmed in a catena of judgments of this Hon'ble Court.

7. A two Judge Bench of the Hon'ble Supreme Court in ***Union of India Vs. P. Gunasekaran, (2015) 2 SCC 610***, wherein speaking through Justice Kurian Joseph, made the following observations: -

“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, re-appreciating 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 re-appreciation 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;*

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- (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) reappreciate 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.”*

8. Reference in this regard may also be placed on judgments of three Judge Bench of the Hon’ble Apex Court in ***B.C. Chaturvedi Vs. Union of India***, (1995) 6 SCC 749 and ***Indian Oil Corpn. Ltd. Vs. Ashok Kumar Arora***, (1997) 3 SCC 72.

9. While exercising its powers under Articles 226 and 227 of the Constitution, the High Court cannot re-appreciate the evidence or sit as a second court of first appeal. Its jurisdiction is confined to examining whether the enquiry has been conducted by a competent authority, in accordance with the prescribed procedure, and in compliance with the principles of natural



justice. The supervisory power extends to ensuring that the decision-making process is free from bias, irrelevant or extraneous considerations and that the conclusions drawn are not arbitrary, irrational, or unsupported by any evidence. Equally, interference is warranted where relevant evidence has been wrongly excluded, or inadmissible material has improperly influenced the findings. Beyond these limited grounds, the High Court is not entitled to interfere with the factual findings or substitute its views for those of the disciplinary authority.

10. The scope of perversity in this regard has been laid down by a two Bench judgment of Hon'ble Supreme Court in ***S.R. Tewari Vs. Union of India, (2013) 6 SCC 602***, which speaking through Justice B.S. Chauhan made the following observation,

*“ 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***

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irrationality, there could be judicial review and courts should not interfere merely on compassionate grounds.

30. The findings of fact recorded by a court can be held to be perverse if the findings have been arrived at by **ignoring or excluding relevant material or by taking into consideration irrelevant/inadmissible material. The finding may also be said to be perverse if it is “against the weight of evidence”, or if the finding so outrageously defies logic as to suffer from the vice of irrationality. If a decision is arrived at on the basis of no evidence or thoroughly unreliable evidence and no reasonable person would act upon it, the order would be perverse.** But if there is some evidence on record which is acceptable and which could be relied upon, the conclusions would not be treated as perverse and the findings would not be interfered with. (Vide *Rajinder Kumar Kindra v. Delhi Admn.* [(1984) 4 SCC 635 : 1985 SCC (L&S) 131 : AIR 1984 SC 1805] , *Kuldeep Singh v. Commr. of Police* [(1999) 2 SCC 10 : 1999 SCC (L&S) 429 : AIR 1999 SC 677] , *Gamini Bala Koteswara Rao v. State of A.P.* [(2009) 10 SCC 636 : (2010) 1 SCC (Cri) 372 : AIR 2010 SC 589] and *Babu v. State of Kerala* [(2010) 9 SCC 189 : (2010) 3 SCC (Cri) 1179].)

31. Hence, where there is evidence of malpractice, gross irregularity or illegality, interference is permissible.”

(emphasis added)

11. It is equally a well-recognized principle of service jurisprudence that judicial review over disciplinary proceedings, though limited, is not altogether excluded. In cases where the issuance of a charge-sheet is shown to

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be actuated by malice, *mala fides*, or an improper motive, the very foundation of the inquiry stands vitiated. Likewise, if the authority initiating or conducting the enquiry is so heavily biased or predisposed against the delinquent officer that the proceedings are nothing but an empty formality, where the outcome is a foregone conclusion, such an inquiry cannot be permitted to run its course. In situations of this nature, the process ceases to be a fair or genuine inquiry and degenerates into a mere farcical ritual, aimed only at subjecting the public official to harassment and humiliation. It is precisely to prevent such abuse of process and to safeguard the dignity and fairness owed to a public servant that courts have held themselves justified in exercising their jurisdiction at the very inception, thereby interdicting the proceedings at the charge-sheet stage itself. Reference in this regard may be made to a two Judge Bench of the Hon'ble Apex Court in ***State of Punjab Vs. V.K. Khanna, (2001) 2 SCC 330.***

12. It is well settled that though the scope of judicial review in disciplinary proceedings is circumscribed, but the Courts are not powerless where the action is vitiated by perversity or malice. Findings of fact can be interfered with if they are demonstrably perverse, in the sense that they are arrived at by ignoring material evidence, relying upon irrelevant or inadmissible considerations, or are so outrageously illogical as to defy reason. Equally, when the very initiation or conduct of the proceedings is actuated by *mala fides*, tainted with bias, or reduced to a mere ritual with a foregone conclusion, the inquiry ceases to be a fair exercise of authority and

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degenerates into a tool of harassment. In such circumstances, judicial intervention is justified, even at the threshold, to preserve the fairness and dignity that is the hallmark of service jurisprudence.

13. Keeping in view the facts and circumstances of the case and the ratio of law laid down in the cases referred to above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

14. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

14.01.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No