



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

CWP-39153-2025

Date of decision: 19.01.2026

Sanjeev Anand

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagbir Malik, Advocate and
Mr. Shivam J. Malik, Advocate
for the petitioner.

Mr. R.K. Chaudhary, Advocate for
Mr. S.S. Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned orders dated 24.11.2015; 06.09.2018; 17.07.2023 and 30.09.2024 (Annexures P-6, P-9, P-13 & P-16, respectively). Further, for issuance of a writ in the nature of *mandamus* directing the respondents to release all the consequential benefits with interest after deleting the impugned punishment from the service record.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was served a charge sheet on 18.09.2012 (Annexure P-1) for alleged misconduct. He submitted a detailed reply on 27.08.2012 (Annexure P-2) denying the charges. He further submits that the superior officers submitted comments in favour of the petitioner clearly stating that the petitioner is

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disciplined and diligent official as discernible from Annexures P-3 to P-5. The charge sheets for major penalty were issued in terms of Regulation 7 of the UHBVN (HSEB) Employees (Punishment and Appeal) Regulation, 1990 which contemplates an inquiry after issuance of a charge sheet. The drill of the prescribed procedure was not filed and without any inquiry or show cause notice, the punishing authority passed the impugned order of one annual increment without future effect on 24.11.2015 (Annexure P-6) by an authority which was not competent to award the punishment. The petitioner was not supplied the punishment order and he came to know only when he was denied permission. He filed his appeal and representation which was rejected on account of delay.

3. He further submits that the case of the petitioner is squarely covered by the judgment rendered by this Court in CWP No.1604 of 2015 titled as '*Suresh Kumar Vs. Uttar Haryana Bijli Vitran Nigam Limited and others*' decided on 06.05.2024 (Annexure P-17).

4. Per contra, learned counsel for the respondents-Corporation submits that the petitioner was not awarded a major penalty. Only minor penalty was imposed, as such, inquiry contemplated under Regulation 7 is not mandatory.

5. I have heard learned counsel for the parties and on perusal of record of the case, it transpires that the impugned punishment was imposed without following the mandatory procedural safeguards including issuance of a show cause notice and conducting an inquiry and the authority imposing the penalty is also not competent. The issue involved in the present case is no longer *res integra*.



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6. The legal position on this issue is well-settled by the Full Bench of this Court in ***Dr. K.G. Tiwari Vs. State of Haryana, 2002(2) SCT 915***. The Full Bench, after analyzing Rules 7 and 8 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, which are *pari materia* to the UHBVN Regulations, held:

“27. Therefore, we are unable to concur with the view expressed by the Division Benches of this Court in Samay Singh's case and Puran Chand Sharma's case, and also in the Single Bench decision of the Delhi High Court in I.D. Gupta's case, and that of the Calcutta High Court in M.M. Dutta's case (cited supra), in so far as they hold that even in a case where the chargesheet is issued for imposing a major penalty, the disciplinary authority can still, without holding an enquiry under the relevant Rule for imposing a major penalty, impose a minor penalty. To that extent, we hold that they are not good law. We also hold that the decision of the Hon'ble Supreme Court in Shadi Lal's case is not applicable to the facts of the cases our hand.

28. We hold that once the charge sheet is issued under Rule 7 of the Rules 1987 for the imposition of a major penalty, which envisages holding of a regular departmental enquiry, the disciplinary authority cannot by merely examining the reply to the chargesheet, inflict even a minor punishment without holding a complete departmental enquiry.”

(emphasis added)

7. It is evident that the charge-sheet was issued under Rule 7 for a major penalty. However, the disciplinary authority imposed a minor penalty without conducting the requisite enquiry under Rule 7. This constitutes a gross procedural irregularity and violates the settled law laid down in ***Dr. K.G.***



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Tiwari's case (supra). The mere fact that the petitioner was given a personal hearing and an opportunity to reply does not cure this defect, as the Full Bench explicitly rejected the "no prejudice" argument.

8. In view of the discussions above, present writ petition is allowed in the terms of *Dr. K.G. Tiwari's case (supra)*. The impugned orders dated 24.11.2015; 06.09.2018; 17.07.2023; and 30.09.2024 (Annexures P-6, P-9, P-13 & P-16) are unsustainable in law and are hereby set aside. The respondents are directed to release all consequential benefits along with interest @ 6% per annum within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

19.01.2026

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No