GAHC010125482023

2026:GAU-AS:2341

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3354/2023

HITENDRA KUMAR PHUKAN
S/O- LATE SREEDHAR PHUKAN,
R/O- JAYANTA ENCLAVE, VIP ROAD,
PIN- 781022, DISTRICT- KAMRUP(M),
ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS
MINISTRY OF POWER

2:POWER GRID CORPORATION OF INDIA LTD.
GOVERNMENT OF INDIA ENTERPRISE

CORPORATE OFFICE- SADAMINI

PLOT NO.-2
SECTOR 29

GURUGRAM- 122001 (HARYANA).

3:CHAIRMAN-CUM-MANAGING DIRECTOR
POWER GRID CORPORATION OF INDIA.

4:EXECUTIVE DIRECTOR HT
POWER GRID CORPORATION OF INDIA LTD
CORPORATE OFFICE- SADAMINI

PLOT NO. 2
SECTOR 29

GURUGRAM- 1220001 (HARYANA)

Advocate for the Petitioner : MR. D P CHALIHA, MS M ROY

Advocate for the Respondent : DY.S.G.I., SC, POWER GRID

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

17.02.2026

Heard Mr. D P Chaliha, learned Senior counsel assisted by Ms. M Roy, learned counsel appearing for the writ petitioner. Also heard Mr. K Gogoi, learned CGC for the respondent No. 1 as well as Mr. N C Das, learned Senior counsel assisted by Mr. A Das, Mr. A Srivastava, Mr. A Pandey, learned counsels appearing for the respondent Nos. 2, 3 & 4.

2. The writ petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India assailing the order dated 29.10.2020, whereby the penalty of compulsory retirement from service was imposed upon him, along with the appellate order affirming the same and the rejection of the review petition. The principal challenge rests on the assertion that the findings returned by the Enquiry Officer and accepted by the Disciplinary Authority are perverse, being allegedly unsupported by evidence, and that the punishment imposed is disproportionate.

3. The essential facts are not in dispute. The petitioner, pursuant to his selection and appointment, joined the Power Grid Corporation of India Limited in June, 2010. During the period from November, 2016 to February, 2018, he was posted at Phulbari, Garo Hills, and was entrusted with the responsibility of supervising and overseeing construction work of the Phulbari Sub-Station under the North Eastern Region Power System Improvement Project (NERPSIP), a project of substantial public importance involving significant financial outlay.

4. Allegations were raised that during his tenure at Phulbari, the petitioner failed to maintain absolute integrity, misused his official position, acted in a manner unbecoming of a public servant, and caused prejudice to the interests of the Corporation. The Chairman-cum-Managing Director, being the Disciplinary Authority, initiated disciplinary proceedings by issuing a memorandum of charge accompanied by the statement of imputations, list of documents and witnesses.

5. Four Articles of Charge were framed, inter alia, alleging:

(i) engaging in business dealings through his wife with a contractor working under his administrative control;

(ii) deliberate non-disclosure of movable property in the form of JCBs acquired by his wife;

(iii) processing of RA bills without proper measurement, thereby extending undue benefit to the contractor; and

(iv) splitting of bills to remain within the petitioner’s delegated financial powers.

6. The petitioner submitted a written reply which did not find favour with the Disciplinary Authority. A regular departmental enquiry followed, wherein six management witnesses were examined and cross-examined, and the petitioner examined three defence witnesses. Upon conclusion of the enquiry, the Enquiry Officer submitted his report dated 28.02.2020 holding all four charges proved. After considering the petitioner’s representation to the enquiry report, the Disciplinary Authority imposed the penalty of compulsory retirement. The statutory appeal and review were rejected, leading to the present writ petition.

7. Mr. D. P. Chaliha, learned Senior Counsel for the petitioner, contended that the findings of guilt are wholly perverse and based on no evidence. It was submitted that the JCBs belonged to the petitioner's wife and were leased to a labour contractor; that the petitioner derived no personal gain; and that any omission in disclosure was, at best, a technical lapse warranting a minor penalty in view of internal circulars. In support of his submission, he relies upon the decision of the Apex Court in the case of ***CISF and Others -Vs- Santosh Kumar Pandey***, reported in ***2022 (17) Scale 577.***

8. It was further argued that the alleged excess payment towards earthwork was subsequently recovered from the contractor, resulting in no loss to the Corporation, and that ambiguity in the circulars governing measurement and payment disentitled the authorities from fastening culpability on the petitioner. As regards splitting of bills, it was urged that the petitioner was not the author of the bills and that the finding of deliberate circumvention of financial limits is unsustainable. On proportionality, it was contended that compulsory retirement carries stigma and civil consequences and is grossly excessive.

9. Per contra, Mr. N. C. Das, learned Senior Counsel for the respondents, submitted that the enquiry was conducted strictly in accordance with law and principles of natural justice, and that all charges stood proved on the basis of oral and documentary evidence. It was urged that the writ court cannot re-appreciate evidence or interfere with punishment unless it shocks the conscience of the Court. Reliance was placed on a long line of decisions of the Apex Court emphasizing the limited scope of judicial review in disciplinary matters.

10. I have heard the arguments advanced on behalf of the parties and have also perused the materials available on record.

11. The parameters governing judicial review in disciplinary proceedings are now too firmly entrenched to admit of any ambiguity. The High Court does not sit as an appellate authority over departmental findings. Its jurisdiction is confined to examining the decision-making process, not the decision itself.

12. In ***Union of India v. P. Gunasekaran*** reported in ***AIR (2014) 13 SCR 1312,*** the Supreme Court has authoritatively held that in exercise of jurisdiction under Articles 226 and 227, the High Court shall not re-appreciate evidence, interfere with conclusions if the enquiry is conducted in accordance with law, or go into the adequacy or reliability of evidence. Interference is permissible only where the finding is based on no evidence, or is so arbitrary and capricious that no reasonable person could have arrived at such conclusion.

13. The concept of "no evidence" has been further elucidated by the Supreme Court in ***Bank of India v. Degala Suryanarayana*** reported in ***(1999) 5 SCC 762***, wherein it was held that strict rules of evidence do not apply to departmental enquiries and that the only requirement is the existence of material which a reasonable person may accept as sufficient to support the conclusion. The Court clarified that sufficiency of evidence is not for the writ Court to examine, and that so long as there is some evidence having a rational nexus to the charge, the finding must be sustained.

14. In the context of the present case, this principle assumes significance. The petitioner's endeavour is not to demonstrate total absence of evidence, but to persuade this Court to weigh the evidence differently, to draw alternate inferences, and to accept his explanations as more plausible. This, however, is precisely what the writ court is forbidden from doing. Once some legally acceptable material exists in support of the charges, the enquiry cannot be labeled as perverse merely because another view may also be possible.

15. A careful perusal of the enquiry report reveals that the petitioner was afforded full opportunity to defend himself. He cross-examined the management witnesses at length and led evidence in defence. There is no allegation of violation of principles of natural justice or procedural impropriety.

16. In respect of Article-I, the evidence establishes that during the petitioner's tenure as officer-in-charge of the project, his wife's machinery was engaged through a contractor executing work under his supervision, and monetary consideration flowed during such period. The issue is not merely of personal gain, but of conflict of interest and failure to maintain the standard of probity expected of a senior officer.

17. With regard to Article-II, documentary evidence substantiates non-disclosure of acquisition of costly movable assets in the annual property returns and failure to intimate the same as mandated under the applicable rules. The obligation of disclosure is absolute, and its breach cannot be trivialized as a technical lapse.

18. Articles-III and IV pertain to financial propriety in processing of RA bills. The evidence on record demonstrates irregularities in measurement and processing of two bills on the same date, resulting in payments exceeding the petitioner's delegated financial powers. The subsequent recovery of excess payment does not obliterate the misconduct at the stage when the decisions were taken. The petitioner's reliance on circulars and alleged procedural ambiguity essentially invites this Court to reassess factual findings, which is impermissible.

19. Thus, it cannot be said that the findings are based on no evidence or are such that no reasonable person could have arrived at them. The sufficiency or comparative weight of evidence lies beyond the scope of judicial review.

20. The misconduct proved against the petitioner goes to the root of integrity, transparency and financial discipline. The Supreme Court has consistently held that honesty and integrity are inbuilt requirements of public service and that misconduct touching these facets must be dealt with firmly. In ***Gunasekaran*** (Supra)**,** the Apex Court has held that honesty and integrity are inbuilt requirement and misconduct has to be dealt with iron hand.

21. The penalty of compulsory retirement, viewed in the backdrop of the proved charges, cannot be said to be shockingly disproportionate. Rather, it reflects a measured exercise of discretion by the Disciplinary Authority, stopping short of dismissal or removal from service.

22. In view of the foregoing discussion, this Court finds no ground to interfere with the impugned orders passed by the disciplinary, appellate and reviewing authorities. The writ petition is devoid of merit and is accordingly dismissed.

23. No order as to costs.

JUDGE

Comparing Assistant