



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

127

**CWP-25185-2025 (O&M)
Date of decision: 28.08.2025**

Jagjeet Singh

....Petitioner

Versus

Sarv Haryana Gramin Bank, Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Hema Kakkar, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting-aside the order dated 06.11.2023 (Annexure P-8) passed by the Appellate Authority, whereby the appeal preferred by the petitioner against the order dated 09.06.2023 (Annexure P-6) passed by the Disciplinary Authority was dismissed. It is further prayed that the punishment order dated 09.06.2023 (Annexure P-6), passed by the Disciplinary Authority imposing the penalty of removal from service, be also quashed on the ground that the same was passed without following the due procedure prescribed under the Sarv Haryana Gramin Bank (Officers and Employees) Service Regulations, 2010. Further a writ of *mandamus* has been sought, directing the respondents to reinstate the petitioner into service forthwith with all consequential benefits.



2. The brief facts of the case are that the petitioner was appointed as an Office Assistant (Multipurpose) in Sarv Haryana Gramin Bank through appointment letter dated 18.04.2018, and he was initially posted at Ranila Branch. After completion of probation, he was transferred to Imlota Branch in 2019, where he served until 2021. In 2021, certain financial irregularities surfaced at Imlota Branch, leading to his suspension and initiation of departmental as well as criminal proceedings. Thus, an FIR No.121 dated 20.05.2021 under Sections 379, 420, and 409 IPC was registered against several bank officials including the petitioner. The Bank conducted an internal inspection and subsequently, issued a show cause notice to the petitioner on 20.07.2021. Although multiple officials were involved, however, only the petitioner was suspended. Thereafter, a charge sheet dated 08.03.2022 was served upon the petitioner levelling fifteen charges, to which he submitted a detailed reply. An enquiry was initiated, and though the petitioner claims he was not permitted to participate effectively, the enquiry officer found all charges against him to be proved. Based on the enquiry report, the Disciplinary Authority passed the punishment order dated 09.06.2023 removing the petitioner from service. The petitioner preferred a departmental appeal dated 23.07.2023, which was dismissed vide order dated 06.11.2023 by the Appellate Authority. Hence, this writ petition has been preferred.

3. Learned counsel for the petitioner, *inter alia*, contends that both the disciplinary and appellate orders are liable to be set aside, as



they have been passed in violation of the principles of natural justice. She submits that the enquiry was conducted in a biased manner; the petitioner was not granted effective opportunity to defend himself; and his specific request for personal hearing or participation in the enquiry was not acceded to. She further submits that the appellate authority did not independently consider the grounds raised in the appeal and merely repeated the findings of the disciplinary authority without providing any independent reasoning. Learned counsel for the petitioner further contends that harsh treatment has been imposed only upon the petitioner while the other officials who were also allegedly involved in the same misconduct were neither proceeded against nor penalised, which reflects *mala fide* and discriminatory action on part of the respondents.

4. Having heard learned counsel for the petitioner and after perusing the record of the case with her able assistance, it transpires that the petitioner was issued a detailed charge sheet consisting of 15 charges. He was granted opportunity to submit his reply. In fact, the petitioner also sought extension for submitting his comments and in response thereto, 15 days' extension was granted to him, as discernible by a perusal of order dated 09.06.2023 (Annexure P-6). Ultimately, the petitioner submitted his written defence dated 02.11.2022 which was found to be unsatisfactory by the competent authority. Consequently, a departmental enquiry was conducted, wherein the enquiry officer found the charges to be proved and submitted his report accordingly. Based on the enquiry report, the disciplinary authority imposed the punishment of



removal from service. The petitioner availed his remedy of appeal which was dismissed by the appellate authority. The main grievance of the petitioner pertains to the alleged absence of adequate opportunity to participate in the enquiry and lack of reasoning in the appellate order. However, the record does not support the allegation that the petitioner was denied a reasonable opportunity. Mere non-acceptance of the petitioner's version by the enquiry officer or the disciplinary authority does not *ipso facto* amount to violation of principles of natural justice. Participation does not necessarily mean physical presence; if the petitioner chose not to engage with the process meaningfully, the enquiry cannot be faulted on that basis.

5. As regards the appellate order, while the requirement of giving reasons in support of administrative or *quasi-judicial* decisions is well-established in law, it is equally settled that the nature and extent of such reasons may vary depending on the context. A perusal of the appellate order in the present case reveals that it records due consideration of the enquiry proceedings, the reply of the petitioner, and the findings recorded by the enquiry officer. It is not a case where the order is totally bereft of application of mind or reasons. The brevity of the reasoning does not *ipso facto* vitiate the order especially when the petitioner has failed to demonstrate that any specific material or argument raised in the appeal was disregarded. Furthermore, disciplinary matters lie primarily within the domain of the employer and unless the punishment imposed is disproportionate or the procedure



adopted is vitiated by patent illegality, the writ Court ought not to interfere under Article 226 of the Constitution of India. The scope of judicial review in such matters is limited to examining the decision-making process and not the decision itself.

6. It is settled law that this Court may only exercise its powers under Article 226 of the Constitution of India when the findings recorded in lieu of a disciplinary action, are arbitrary, tainted with procedural illegality or manifest any prejudice. This Court cannot reappreciate the matter on merits and substitute the conclusion drawn by the concerned authority with its own. Tritely, a High Court cannot sit in appeal with respect to the decision arrived in pursuance of disciplinary proceedings. As such, this Court must confine itself to ensuring that the findings rendered are justified by the material available on record, that the proceedings were conducted in compliance with the prescribed procedure as well as the principles of natural justice and that the penalty imposed is proportional to the misconduct.

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

*“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, reappreciating 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 reappreciation 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;
- (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.” (emphasis added)

Reliance in this regard may also be made to the judgements rendered 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.



8. Furthermore, a two-Judge Bench of the Hon'ble Supreme Court in *S.R. Tewari vs. Union of India*, (2013) 6 SCC 602, speaking through Justice B.S Chauhan, made the following observations in this regard:

“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 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)

9. Further still, when the disciplinary authority concurs with the findings of the Inquiry Officer and imposes punishment on the strength of those findings, detailed reasons are not required to be presented in the punishment order. A two-Judge Bench of the Hon'ble Supreme Court in *State of Rajasthan and Others vs. Bhupendra Singh 2024 INSC 592*, speaking through Justice. Ahsanuddin Amanullah, opined as follows:

“31. It is well-settled that if the Disciplinary Authority accepts findings recorded by the Enquiry Officer and proceeds to impose punishment basis the same, no elaborate reasons are required, as explained by three learned Judges of this Court vide Boloram Bordoloi v Lakhimi Gaolia Bank, (2021) 3 SCC 806:

*‘11.Further, it is well settled that **if the disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based on the findings recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority. ...**’”*

10. In light of the above discussions, I find no infirmity or illegality in the orders passed by the Disciplinary Authority and the Appellate Authority warranting interference by this Court under its



CWP-25185-2025

9

2025:PHHC:117087

2025:PHHC:117087



extraordinary writ jurisdiction. Accordingly, the writ petition, being devoid of any merit, is dismissed.

(HARPREET SINGH BRAR)
JUDGE

28.08.2025

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No