



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Writ Petition No.1434 of 2003

Reserved on February 02, 2026

Date of Decision: May 01, 2026

Mukarram Hafiz

..... PETITIONER(S)

VERSUS

Union of India & others

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

PRESENT: - Mr. Viren Jain, Advocate, with Ms. Jyoti Negi, Advocate, for the petitioner.

Union of India deleted from array of parties vide order dated 28.10.2025

Ms. Geeta Singhwal, Senior Panel Counsel for respondent Nos.-2 & 3.

SUBHAS MEHLA, J

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of an appropriate writ, order, or direction for quashing the proceedings of the Summary Force Court (hereinafter referred to as "SFC") conducted against the petitioner, along with its findings and sentence, as well as the order rejecting the statutory petition preferred by him.

2. The petitioner was appointed as a Constable in the Indo-Tibetan Border Police Force (ITBPF) on 07.05.1997 and, at the relevant time, was



posted with 4th Battalion, ITBP, Amritsar. In September 2001, he was detailed for administrative duties in connection with a recruitment drive at Murshidabad (West Bengal). On 25.09.2001, allegations were levelled against him regarding his purported involvement with certain intermediaries in the recruitment process. He was subsequently placed under suspension with retrospective effect and charge-sheeted under Sections 23(2)(b) and 44(e) of the ITBPF Act, 1992 on allegations of disobedience of lawful command and involvement in illegal gratification.

Record of Evidence was prepared, and the petitioner was informed that he would be tried by the SFC. Upon conclusion of the proceedings, the petitioner was dismissed from service on 08.01.2002.

3. Aggrieved by the order of dismissal, the petitioner preferred a statutory petition under Rule 168 of the ITBPF Rules, 1994 on 27.02.2002, which came to be rejected by the competent authority vide order dated 20.06.2002 (Annexure P/5). The petitioner thereafter approached the High Court at Calcutta by filing Writ Petition No. 1818(W) of 2003; however, the same was dismissed on the ground of lack of territorial jurisdiction vide order dated 17.02.2003 (Annexure P/6). Hence, the present petition has been filed seeking reinstatement in service upon setting aside the impugned orders.

CONTENTIONS ON BEHALF OF PETITIONER

4. Learned counsel for the petitioner has assailed the impugned proceedings and orders on multiple grounds. It is contended that the entire



process stands vitiated on account of gross procedural irregularities and undue haste. According to learned counsel, the charge-sheet was issued without conducting any preliminary inquiry; the Record of Evidence was recorded and concluded in a single day; and the Summary Force Court trial culminated in the petitioner's dismissal on the very first date of hearing. Such a course of action, it is argued, reflects a predetermined approach and renders the proceedings arbitrary.

5. It is further submitted that the orders of suspension, dismissal, as well as rejection of the statutory petition, are non-speaking and cryptic in nature, being devoid of any reasons, thereby violating settled principles of administrative fairness and judicial discipline.

6. Learned counsel has also contended that the charges framed against the petitioner are vague and unsustainable. It is argued that the allegation of disobedience of lawful command does not specify the nature of the command, the authority issuing it, or the date and time of its alleged violation. A general briefing, it is submitted, cannot be equated with a lawful command within the meaning of the Act. It is further contended that no material evidence has been brought on record to substantiate the allegation regarding the petitioner's involvement with intermediaries, inasmuch as neither any informant has been examined nor any independent evidence produced.

7. It is additionally argued that although reference has been made to the registration of an FIR in connection with the alleged recruitment



malpractice, the same has not been placed on record, thereby depriving the petitioner of an effective opportunity to defend himself.

8. Learned counsel further submits that the petitioner was denied a reasonable opportunity to defend himself, particularly on account of non-provision of effective legal assistance. It is contended that such denial is in violation of Rule 157 of the ITBPF Rules and the mandate of Article 21 of the Constitution of India, and has caused grave prejudice to the petitioner in a proceeding entailing serious civil consequences.

9. The petitioner has also challenged the proceedings on the ground of violation of mandatory statutory provisions of the ITBPF Act and Rules. It is contended that the provisions of Section 82 of the ITBPF Act, relating to the convening and proper constitution of the Force Court, were not complied with. Learned counsel submits that the proceedings before the Summary Force Court are required to be attended throughout by an officer as well as a subordinate officer; however, the record does not reflect such compliance. It is further argued that Section 82 is analogous to Section 116 of the Army Act, particularly with respect to the requirement of presence of two attending witnesses, and reliance has been placed on Note 3(b) under Section 116 to contend that absence of such attending officers renders the proceedings without jurisdiction.

10. It is also contended that there is no material on record to show that the petitioner was provided the assistance of a “friend of the accused” as mandated under Rule 157 of the ITBPF Rules.



11. Learned counsel further submits that the charges framed against the petitioner do not conform to the requirements of Rule 56, inasmuch as they fail to properly set out both the statement of offence and the particulars of offence in a manner sufficient to inform the petitioner of the case he was required to meet. In particular, with regard to the first charge, it is contended that no specific command has been indicated, and the reference is only to a general briefing by the Commanding Officer, which cannot be equated with a lawful command. Reliance is placed on the note under Section 42 of the Army Act to submit that a command must be specific, addressed to an individual, and capable of compliance by that individual.

12. With respect to the second charge under Section 44(e), it is contended that neither the statement of offence nor the particulars disclose that the petitioner accepted, obtained, or attempted to obtain any gratification. The only allegation reflected is that the petitioner had allegedly confessed to being associated with certain persons, which, according to learned counsel, does not satisfy the ingredients of the said provision.

13. It is further contended that the requirement under Rule 44, that the petitioner be tried by an officer not below the rank of Assistant Commandant, has not been complied with. It is reiterated that the petitioner was neither informed of his right nor provided assistance of a “friend of the accused,” thereby depriving him of a fair and reasonable opportunity to defend himself.

14. Learned counsel for the petitioner has further placed reliance upon the following authorities in support of his contentions regarding



alleged material irregularities in the Summary Force Court proceedings, namely, the judgment of the Hon'ble Supreme Court in *Randhir Singh v. Union of India, 2020 (14) SCC 513; Ex. CCT/GD Griver Singh v. Union of India, SLP No.35833-35834/2016* ; and *Ranjit Thakur v. Union of India, 1987 AIR (SC) 2386*, as also the judgments of the Punjab and Haryana High Court in *Union of India v. Som Dutt, LPA No. 349 of 2018*; the Rajasthan High Court in *Ranjeet Singh v. Union of India, SB Civil Writ Petition No. 174 of 2000*; and the Jammu & Kashmir High Court in *Bharosi Lal v. Union of India, SWP No.2449 of 2012*.

15. In view of the aforesaid, learned counsel for the petitioner submits that the entire proceedings, findings, and sentence awarded to the petitioner stand vitiated on account of procedural violations of mandatory statutory provisions, and accordingly prays that the impugned proceedings and orders be quashed.

CONTENTIONS ON BEHALF OF RESPONDENTS

16. Per contra, learned counsel for respondent Nos. 2 and 3 has vehemently opposed the present petition and submitted that the impugned Summary Force Court (SFC) proceedings were conducted in a fair, impartial, and transparent manner, strictly in compliance with the procedure prescribed under the ITBPF Act and the Rules framed thereunder. It is contended that the impugned orders have been passed after due consideration of the facts of the case and the applicable legal provisions, and do not suffer from any infirmity. Learned counsel further submitted that the petitioner has not approached this Court with clean hands, as the challenge



to the impugned proceedings is founded on incorrect and misleading averments, contrary to the record.

17. It is further contended that the petitioner was dismissed from service only after being duly tried and found guilty of serious misconduct, namely disobedience of a lawful command of a superior officer and involvement in an illegal gratification arrangement in connection with recruitment, thereby attracting the provisions of Sections 23(2)(b) and 44(e) of the ITBPF Act. Learned counsel submitted that a fair, proper, and impartial inquiry was conducted, and full opportunity was afforded to the petitioner at every stage to defend himself and rebut the charges. A complete Record of Evidence was prepared, and the SFC proceedings were conducted strictly in accordance with the statutory framework.

18. With regard to the charges, learned counsel submitted that the same were framed after a detailed inquiry into the alleged misconduct of the petitioner. It is stated that the petitioner was initially detailed with the Recruitment Team, which had been duly briefed by Shri A.J. Rasul, Commandant, 6th Battalion, to ensure fairness in recruitment, to maintain team spirit, and to uphold impartial and cordial relations with candidates, with a clear direction not to indulge in any misconduct that could bring disrepute to the Force. During the registration process, certain local personnel were found mixing with candidates, and the recruitment team was again instructed not to interact with candidates, especially local persons. Despite these instructions, the petitioner, who was himself a local resident of Malda, adjoining Murshidabad, was found interacting with candidates.



Consequently, he was removed from the Recruitment Team and assigned duties from 16.09.2001 to 20.09.2001, and thereafter detailed for Mess duties from 21.09.2001 onwards.

It is further submitted that on the date of the written test, i.e. 21.09.2001, the petitioner, despite specific instructions not to leave the Jawans Mess without permission, appeared in uniform at the examination ground and started functioning as an invigilator without any authority. Upon detection, he was immediately removed from the site on the directions of the Presiding Officer. It is contended that despite being desisted earlier, the petitioner continued to interfere in the recruitment process. Complaints were subsequently received that certain candidates were attacked and their original documents were snatched and withheld for ransom. Upon inquiry, it was revealed that the petitioner was involved in the racket in connivance with one Prakash Kumar Das. As per the arrangement, an amount of Rs. 40,000/- per candidate was to be collected, out of which Rs. 15,000/- per candidate was to be received by the petitioner. A confessional statement of the petitioner was also recorded in this regard. It is thus submitted that the charges are specific, supported by inquiry, and duly proved.

19. Learned counsel further contended that prior to framing of charges, the Record of Evidence was duly recorded by Sh. Shanku Ram, Deputy Commandant, during which the petitioner, in writing, admitted to having committed the acts forming the subject matter of the charges. It is submitted that the charges were explained to the petitioner in terms of Rule 139(2), including translation into a language understood by him. The



petitioner not only acknowledged the charges but also actively participated in the proceedings, including cross-examination of witnesses during the SFC trial. A copy of the charge-sheet and Record of Evidence was furnished to the petitioner prior to the SFC proceedings, and he was specifically asked to indicate whether he desired to engage a “friend of the accused” or produce defence witnesses. The record reflects that a “friend of the accused,” namely Shri Shyam Singh, Assistant Commandant (T), was present during the proceedings. The petitioner was afforded opportunity to produce defence witnesses both at the stage of notice dated 05.01.2002 and during the SFC proceedings; however, he declined to examine any witness in defence. It is thus contended that adequate and effective opportunity was provided, and the petitioner cannot now allege denial of fair hearing.

20. Learned counsel further submitted that merely because the proceedings were concluded expeditiously does not render them illegal or arbitrary. It is contended that all procedural steps, including recording of evidence, framing of charges, and conduct of the SFC, were undertaken strictly in accordance with the ITBPF Act and Rules. Expedition in proceedings cannot be equated with arbitrariness in the absence of any demonstrated prejudice, particularly when the petitioner participated throughout and admitted the charges.

With regard to the allegation of vagueness of charges, learned counsel submitted that the same is wholly misconceived. A perusal of the charge-sheet clearly shows that specific charges were framed on the basis of the inquiry conducted, containing both the statement of offence and particulars



of offence in compliance with Rule 56. The contention of vagueness, it is argued, is false and baseless.

21. On the issue of non-production of material documents, it is submitted that departmental proceedings are independent of criminal proceedings, and non-production of the FIR does not vitiate the SFC proceedings. It is further pointed out that an FIR was in fact registered on 25.09.2001 at Police Station Behrampur (Murshidabad) against other involved persons, excluding the petitioner, while departmental action against the petitioner was based on material gathered during internal inquiry and his own confession. It is further submitted that, as per the proceedings, copies of the charge-sheet and Record of Evidence were furnished to the petitioner, and he was duly informed about the date and time of the SFC proceedings. Thus, all relevant documents were provided to enable him to defend himself.

22. Learned counsel has also refuted the allegation regarding denial of reasonable opportunity and legal assistance. It is submitted that the petitioner was duly informed of his right to avail the assistance of a “friend of the accused” under Rule 157, and the record clearly reflects that such assistance was provided in the form of Shri Shyam Singh, Assistant Commandant (T). Further, the petitioner was given adequate opportunity to produce defence witnesses, both prior to and during the SFC proceedings, which he declined. It is thus contended that no prejudice was caused to the petitioner, and there has been no violation of principles of natural justice. On the contrary, the petitioner himself made a confessional statement regarding his involvement in the recruitment racket.



23. It is further submitted that the SFC was duly constituted in accordance with Section 82 of the ITBPF Act, and the proceedings do not suffer from any jurisdictional error. The attempt of the petitioner to import provisions of the Army Act is misconceived, as the ITBPF Act and the Army Act operate in distinct fields and must be interpreted independently. Mere similarity of provisions does not warrant importation of interpretative notes or procedural requirements. The absence of such provisions in the ITBPF Act must be treated as a conscious legislative omission.

24. As to requirement of Section 82 that the proceedings should be attended by two other persons, Learned Counsel for the respondents submitted that the record reflects that the proceedings were attended by officers, namely Shri Ashwani Kumar, Deputy Commandant, and Inspector/HT Lok Ram Negi. In any case, the presence or absence of such attending officers is a procedural aspect and does not vitiate the proceedings in the absence of demonstrated prejudice, particularly when the charges stand proved on record.

25. With regard to the alleged violation of Rule 44, learned counsel submitted that the same is without basis, as the proceedings were conducted by the competent authority, namely Shri R.K.D. Singh, Commandant, in accordance with the statutory provisions. It is further submitted that Section 82(1) of the ITBPF Act clearly provides that a Summary Force Court may be constituted by the Commanding Officer alone. Even otherwise, the record reflects that two officers were present during the proceedings. It is thus



contended that the SFC proceedings were conducted strictly in accordance with law and do not suffer from any legal infirmity.

26. Further, with regard to the validity of the order dated 20.06.2022, whereby statutory challenge filed by the petitioner under Rule 168 of the ITBPF Rules, 1994 against the SFC proceedings was dismissed, learned counsel for the respondents has contended that the challenge to the said order dated 20.06.2002 is wholly misconceived as it merely affirms the findings and sentence recorded in the Summary Force Court proceedings, which were conducted strictly in accordance with the ITBPF Act and Rules. It is argued that in departmental matters, the appellate or revisional authority is not required to pass a detailed or elaborate order, particularly when it concurs with the findings of the original authority. Learned counsel submitted that no prejudice has been caused to the petitioner on this account, and in the absence of any infirmity in the underlying proceedings, the rejection of the statutory petition calls for no interference.

27. In view of the aforesaid submissions, learned counsel for the respondents contended that the petitioner having been found guilty on the basis of his own admission as well as the material on record, was rightly dismissed from service; the proceedings were conducted in a fair, transparent, and legally compliant manner, and no ground is made out for interference under Article 226 of the Constitution of India. Accordingly, it is prayed that the present petition be dismissed.

28. Heard, and record perused carefully.

**OBSERVATIONS**

29. The petitioner has approached this Court assailing the Summary Force Court proceedings alongwith its findings and sentence, primarily on the ground that proceedings were conducted in gross violation of the procedure laid down by the ITBPF Act and rules made thereunder.

On the other hand, learned counsel for the respondent has alleged that contentions of the learned counsel for the petitioner are mis-founded, and infact the proceedings were conducted in absolute compliance with the procedure set out in the ITBPF Act and Rules.

30. At the outset, it is trite that the scope of judicial review in matters arising out of disciplinary proceedings, particularly those conducted under the ITBPF Act through a Summary Force Court, is limited. Interference is warranted only where the proceedings are vitiated by jurisdictional error, violation of statutory provisions, or principles of natural justice, or where findings are perverse.

31. In the considered opinion of this Court, the contention of the learned counsel for the petitioner, that the proceedings were conducted in undue haste, does not merit acceptance. The record reflects that the petitioner was duly charge-sheeted, the Record of Evidence was prepared, and he was thereafter tried by the SFC upon due notice. Mere expeditious conduct of proceedings cannot be equated with arbitrariness or denial of opportunity, particularly in the absence of any specific prejudice demonstrated by the petitioner. No material has been placed on record to show that the petitioner was handicapped in defending himself on account of the timeline of proceedings.



32. Further, the submission on behalf of the learned counsel for the petitioner that the impugned orders are non-speaking, is equally unpersuasive. The order of dismissal is founded upon the findings recorded in the SFC proceedings, which form part of the record and disclose the basis of the decision. Similarly, the rejection of the statutory petition cannot be invalidated merely on account of brevity. In disciplinary matters, it is sufficient if the reasons are discernible from the record as a whole.

33. Next, coming to the contention that the charges were vague and unsubstantiated is also without merit. The charges clearly conveyed to the petitioner the nature of allegations against him, namely disobedience of directions issued by a superior officer during the recruitment process and involvement in an arrangement relating to illegal gratification. With respect to the first charge, it has been pointed out that the same was framed under Section 23(2)(b) of the ITBPF Act for disobeying a lawful command of a superior officer, and the particulars specifically refer to the directions issued by the Commandant, 6th Battalion, to the recruitment team regarding maintaining fairness, impartiality, and refraining from interacting with candidates, particularly local personnel. The record further reflects that the team was again briefed by the Presiding Officer reiterating such instructions, and that the petitioner disobeyed these directions by appearing in uniform and functioning as an invigilator despite being assigned mess duties. As regards the second charge under Section 44(e) of the Act, it has been clearly stated that the petitioner indirectly agreed to accept or attempted to obtain gratification in connection with recruitment, and the particulars refer to complaints made by candidates, subsequent inquiry, and the petitioner's own



confessional statement admitting his involvement with the persons concerned. Hence, the above discussion reflects that the charges were clear, and capable of affording the petitioner the opportunity to defend himself.

The record further shows that the charges were explained to the petitioner in a language understood by him, and he actively participated in the proceedings, including cross-examination of witnesses. Significantly, during the Record of Evidence, the petitioner made a written admission regarding his involvement in the acts forming the subject matter of the charges. In view of such admission, the contention regarding vagueness or insufficiency of particulars loses its force.

34. In light of the aforesaid discussion on the charges, the contention of the petitioner that the charge under Section 23(2)(b) of the ITBPF Act is not made out for want of a specific command, is found to be without merit. A consideration of the submissions advanced by learned counsel for the parties, coupled with a perusal of the record, clearly indicates that directions were issued to the recruitment team on more than one occasion to maintain distance from the candidates and not to interact with them. The record further reflects that the petitioner was specifically removed from the recruitment duties and reassigned first to duties as SA to SO and thereafter to mess duties. It is observed that the Presiding Officer had expressly instructed the petitioner not to leave the Jawans Mess without permission. Despite these clear and specific directions, the petitioner, in disobedience thereof, proceeded to the venue of the written examination and started functioning as an invigilator without any authority. In such



circumstances, the plea that there was no specific command stands belied by the record, and the ingredients of Section 23(2)(b) are clearly attracted.

35. The argument regarding non-production of the FIR also does not advance the case of the petitioner. Departmental or force proceedings are independent of criminal proceedings and are governed by a distinct standard of proof. The findings of the SFC are based on material available before it on the basis of the inquiry conducted, including the petitioner's own admission, and cannot be invalidated on the ground that the FIR was not produced.

36. Next, considering the contention that the petitioner was denied legal assistance and a reasonable opportunity to defend himself, upon perusal of the paper book, it is evident that this contention is contradicted by the record. The petitioner was informed of his rights and was afforded the opportunity to avail the assistance of a 'friend of the accused' as the record reflects that a 'friend of the accused', namely Shri Shyam Singh, Assistant Commandant (T), was present during the proceedings. The petitioner was also given opportunity to produce defence witnesses, both prior to and during the SFC proceedings; however, he declined to examine any witness in defence, and the same has been specifically recorded in the proceedings. In such circumstances, no violation of principles of natural justice can be said to have occurred.

37. Further, the objections raised with regard to alleged violation of statutory provisions also do not merit acceptance. The contention that the Summary Force Court was not properly constituted in terms of Section 82 of



the ITBPF Act is not reflected in the record. Section 82 clearly envisages constitution of the SFC by the Commanding Officer. The attempt to import the requirements of Section 116 of the Army Act, including the *necessity* of two attending witnesses, is misconceived, as the ITBPF Act is a self-contained statute and must be interpreted on its own terms. Even otherwise, the record indicates the the proceedings were attended by officers, namely Shri Ashwani Kumar, Deputy Commandant, and Inspector/HT Lok Ram Negi. Hence, there is no merit in this contention and no prejudice has been demonstrated on this ground.

38. Similarly, the plea of non-compliance with Rule 157 is without substance, as the record reflects that the petitioner was afforded the opportunity to avail assistance of a “friend of the accused,” and such assistance was in fact present during the proceedings. Further, the allegation regarding violation of Rule 44, pertaining to competency of the officer conducting the proceedings, is also unsupported by any material on record, and the proceedings reflect due compliance with the statutory framework.

39. Lastly, on careful perusal of the authorities relied upon by the Learned Counsel for the petitioner, this Court finds that does not advance his case, as the same are clearly distinguishable on facts as well as on the legal issues involved:

i. In *Randir Singh v. Union of India*, the Hon’ble Supreme Court interfered on account of material procedural irregularities and denial of fair opportunity in the conduct of disciplinary proceedings. In the present case, however, as noticed hereinabove, the record unequivocally reflects that



the petitioner was duly informed of the charges, participated in the proceedings, was afforded opportunity to defend himself, and even made a written admission regarding his involvement. Thus, the foundational basis for interference, as existed in the said case, is absent herein.

ii. Similarly, in *Ex. CCT/GD Griver Singh v. Union of India*, interference was premised on deficiencies in the evidentiary foundation and procedural lapses in terms of Section 82 of the ITBPF Act, affecting the fairness of the inquiry. In the present case, the findings are supported not only by the material collected during inquiry but also by the petitioner's own confessional statement, and no prejudice has been demonstrated. Moreover, it has been discussed in detail that provisions of Section 82 have been duly complied with. Hence, the ratio of the said judgment is inapplicable.

iii. Reliance placed on *Ranjit Thakur v. Union of India* is also misplaced. In that case, the Hon'ble Supreme Court interfered on the ground of shocking disproportionality of punishment and likelihood of bias in the conduct of proceedings. In the present case, neither any plea of bias has been substantiated, nor can the punishment imposed be said to be so disproportionate as to shock the conscience of the Court, particularly in view of the gravity of misconduct involving recruitment irregularities.

iv. The judgment of the Punjab and Haryana High Court in *Union of India v. Som Dutt*, of Rajasthan High Court in *Ranjeet Singh v. Union of India*, and of the *J&K High Court in Bharosi Lal v. Union of India* is equally misplaced, and also does not come to the aid of the petitioner, as the same turned on its own facts where procedural safeguards were found to



have been compromised, or material irregularities were found affecting the validity of the proceedings, or disclosed denial of adequate opportunity and procedural lapses which went to the root of the matter. In the present case, as discussed in detail, the proceedings were conducted in due compliance with the statutory provisions and no violation of principles of natural justice has been established. No such infirmity is borne out from the record in the present case. In the present case, on the contrary, the petitioner was afforded sufficient opportunity at every stage and has failed to demonstrate any prejudice.

Thus, all the authorities relied upon by the learned counsel for the petitioner are clearly distinguishable on facts and do not lend any support to the case set up by the petitioner.

40. From a cumulative assessment of the record, it is evident that the proceedings were conducted in accordance with law and that the petitioner was afforded adequate and effective opportunity at every stage. The findings recorded by the competent authority are based on material evidence and cannot be said to be perverse or arbitrary so as to warrant interference. In view of the foregoing discussion, this Court finds no illegality, infirmity, or violation of statutory provisions or principles of natural justice in the proceedings of the Summary Force Court or in the consequential order of dismissal. The present petition, being devoid of merit, is accordingly **dismissed**.

41. So far as the challenge to the order dated 20.06.2002 passed on the petitioner's statutory petition under Rule 168 of the ITBPF



Rules is concerned, this Court finds that although the said order is brief and does not elaborate reasons in detail, the same by itself does not warrant interference in the facts of the present case. As already held hereinabove, the SFC proceedings have been conducted in accordance with the provisions of the ITBPF Act and Rules, and no illegality, procedural infirmity, or violation of principles of natural justice has been made out. In such circumstances, the order rejecting the statutory petition, being in affirmation of a validly conducted proceeding, cannot be set aside merely on the ground of brevity or absence of elaborate reasoning, particularly when the reasons are discernible from the record as a whole. Non-speaking or brief orders in departmental appellate proceedings do not vitiate the decision when the original proceedings are found to be valid and the record discloses due consideration. In the present case, no prejudice has been demonstrated by the petitioner on account of the form of the order dated 20.06.2002. Consequently, this court finds no reason to interfere with the said order, as doing so would not serve the ends of justice.

42. It is also to be noted that the present petition has been filed under Article 226 of the Constitution of India, invoking the extraordinary writ jurisdiction of this Court. The scope of interference under Article 226 in matters arising out of disciplinary proceedings is well settled and circumscribed. This Court does not sit as an appellate authority to re-appreciate evidence or re-evaluate factual findings recorded by the competent authority. Interference is warranted only in cases involving jurisdictional error, violation of statutory provisions or principles of natural justice, or where the findings are so perverse as to shock the conscience of



the Court. The Hon'ble Supreme Court in *State of Andhra Pradesh v. S. Sree Rama Rao, 1963 INSC 67*, has categorically held that the High Court, in exercise of writ jurisdiction, is not an appellate authority over departmental findings and cannot reappreciate evidence. Similarly, in *B.C. Chaturvedi v. Union of India, 1995 INSC 661*, Hon'ble Supreme Court has held that judicial review is confined to examining the decision-making process and not the decision itself. In the present case, as already discussed, no such infirmity has been demonstrated by the petitioner. The findings recorded in the Summary Force Court proceedings are based on material on record, including the petitioner's own admission, and cannot be said to be arbitrary or perverse. The challenge raised essentially seeks re-evaluation of factual aspects and evidence, which is impermissible in exercise of writ jurisdiction. Hence, the present case does not merit invocation of the extraordinary powers of this Court under Article 226 of the Constitution.

43. Accordingly, dismissed

44. Pending (misc.) applications, if any, also stand disposed of.

(SUBHAS MEHLA)
JUDGE

May 01, 2026

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No