

**IN THE HIGH COURT OF PUNJAB AND HARYANA
105-2 AT CHANDIGARH**

CWP-5029-2026

OM PARKASH

.....PETITIONER

VERSUS

FCI AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vikas Chatrath, Sr. Advocate with
Ms. Yaashica, Advocate and
Ms. Haridhi Aggarwal, Advocate for the petitioner(s)

Mr. Gurinder Singh, Sr. Advocate with
Mr. Vaibhav Gupta, Advocate with
Mr. Karambir Singh, Advocate for respondent No. 1- FCI.

1.	The date when the judgment is reserved	20.04.2026
2.	The date when the judgment is pronounced	07.05.2026
3.	The date when the judgment is uploaded	08.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

SANDEEP MOUDGIL, J

Prayer

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India to seek issuance of an appropriate writ, order or direction, including Certiorari, for quashing the chargesheet dated 29.09.2021

(Annexure P-5), inquiry report dated 21.04.2022 (Annexure P-20), punishment order dated 25.10.2022 (Annexure P-22), and the review order dated 20.10.2023 (Annexure P-24), whereby the petitioner has been compulsorily retired from service, and for issuance of Mandamus directing reinstatement of the petitioner with continuity of service and all consequential benefits, including arrears and interest of 12% P.A.

Brief Facts

2. The petitioner, Om Parkash, was appointed as a Technical Assistant (II) with the Food Corporation of India on 26.09.2014 and had, until the present controversy, discharged his duties without blemish. While posted at Sunam, Punjab, a complaint dated 21.05.2021 was lodged by one Sikanderjit Singh before the Vigilance Bureau alleging demand of illegal gratification by certain officials, including the petitioner, for facilitating the acceptance of rice consignments. Acting on the complaint, a trap was laid wherein an amount of ₹58,000/- was allegedly received; however, significantly, no recovery was effected from the petitioner and the amount was instead recovered from a private individual namely Paramjit Sharma, leading to the registration of an FIR.

2. Pursuant thereto, the petitioner was placed under suspension, which was later revoked, and a common departmental chargesheet dated 29.09.2021 was issued against him along with other officers. The petitioner submitted a detailed reply denying all allegations and sought deferment of departmental proceedings in view of the pending criminal case. The gravamen of the charge rested on alleged irregularities in handling consignments dated 19.05.2021 and 20.05.2021; however, the record, including the dumping register, demonstrated that all consignments were duly processed and cleared on the same day, with no pendency

attributable to the petitioner. The petitioner consistently maintained that the consignments in question were either duly accepted in accordance with prescribed procedure or were incomplete and therefore not liable for inspection under the governing instructions.

3. Despite the absence of any cogent evidence, and notwithstanding the fact that none of the prosecution witnesses supported the allegation of demand of bribe, the Enquiry Officer, by report dated 21.04.2022, returned a finding of “supervisory lapse” against the petitioner. The finding, as pleaded, was rendered in a mechanical and perfunctory manner, without proper appreciation of the petitioner’s defence or the material on record, and by erroneously conflating distinct charges. A representation submitted by the petitioner was rejected, culminating in the imposition of the penalty of compulsory retirement on 25.10.2022. The statutory appeal and subsequent review petition were dismissed through non-speaking orders, thereby affirming the penalty.

4. It is further the case of the petitioner that the entire disciplinary proceedings stand vitiated for non-compliance with mandatory procedural requirements, including the absence of prior approval from the competent authority as mandated under the applicable instructions and Staff Regulations.

5. Aggrieved by the illegal, arbitrary and unsustainable actions culminating in his compulsory retirement, the petitioner has invoked the writ jurisdiction of this Court seeking quashing of the impugned orders and consequential reliefs.

Contentions

On the behalf of petitioner

6. Learned counsel for the petitioner contends that the entire disciplinary action is based on allegations which are not supported by the record. It is submitted that though a trap was allegedly conducted pursuant to the complaint dated 21.05.2021 no recovery was effected from the petitioner and the alleged tainted amount was recovered from a private individual. It is argued that there is no material to connect the petitioner with the alleged demand or acceptance of illegal gratification. Counsel further submits that the prosecution witnesses did not support the allegation of demand of bribe against the petitioner. Despite this the Enquiry Officer returned a finding of guilt on the ground of “supervisory lapse” which is stated to be vague and unsupported by evidence.

7. It is further submitted that the allegations regarding non-processing of consignments on 19.05.2021 and 20.05.2021 are contrary to the official record including the dumping register which shows that all consignments were processed and cleared on the same day. According to learned counsel the petitioner acted in accordance with the applicable instructions. It is also contended that the Enquiry Officer failed to properly consider the defence and documentary evidence produced by the petitioner and rejected the same without assigning reasons thereby violating the principles of natural justice.

8. Learned counsel urged that the penalty of compulsory retirement is wholly disproportionate especially when the charge of bribery has not been proved and the petitioner had an unblemished service record. The appellate and review orders are also assailed on the ground that they are non-speaking and have been passed without considering the specific grounds raised by the petitioner.

9. Lastly, it is urged that the entire disciplinary proceedings are vitiated at their inception for non-compliance with mandatory procedural requirements, inasmuch as no prior approval was obtained from the competent authority, i.e., the Executive Director (North), as required under the applicable instructions and Staff Regulations. This illegality, going to the root of the matter, renders the proceedings void ab initio and all consequential actions liable to be quashed.

On behalf of the Respondents

10. Learned counsel submits that the present writ petition is not maintainable as it seeks re-appreciation of findings recorded in duly conducted departmental proceedings. It is contended that the scope of judicial review in service matters is well circumscribed, and in the absence of any perversity, procedural illegality, or violation of natural justice, the concurrent findings recorded by the competent authorities do not warrant interference.

11. He contends that the petitioner, being posted as Technical Assistant-II, was directly entrusted with duties relating to acceptance and quality assessment of rice consignments. In terms of the policy instructions dated 21.10.2020, it was mandatory that all consignments be accepted or rejected on the same day without any carry forward. The record, including the Rice Acceptance Register, establishes that consignments delivered by the complainant on 20.05.2021 were neither inspected nor processed in accordance with the prescribed procedure, thereby evidencing a clear breach of duty attributable to the petitioner.

12. It is further urged that the testimony of the complainant, duly recorded during the enquiry, clearly implicates the petitioner in the demand of illegal gratification for facilitating acceptance of consignments. The complainant consistently affirmed the contents of his complaint and detailed the manner in

which the officials, including the petitioner, demanded and received bribe. This evidence, having remained materially unchallenged, was rightly relied upon by the Enquiry Officer in returning findings of guilt.

13. Learned counsel submits that the circumstances on record demonstrate concerted action and a meeting of minds between the petitioner and co-delinquent officials in deliberately withholding clearance of consignments to coerce the complainant into payment of illegal gratification. The absence of direct recovery from the petitioner does not dilute his culpability in a case founded on collective misconduct and corroborated by documentary and testimonial evidence.

14. It is also contended that the findings recorded by the Enquiry Officer have been duly examined and affirmed by the Disciplinary Authority, the Appellate Authority, and the Reviewing Authority after independent consideration. The orders passed at each stage are reasoned and reflect due application of mind to the material on record.

15. In view of the established misconduct involving abuse of official position and integrity, learned counsel submits that the penalty of compulsory retirement is commensurate with the gravity of the charges and calls for no interference. It is thus prayed that the writ petition, being devoid of merit and seeking to unsettle well-founded conclusions, be dismissed.

16. Heard.

Analysis

17. At the outset, it requires to be reiterated that the jurisdiction of this Court under Article 226 of the Constitution in matters arising from disciplinary proceedings is circumscribed. The Court does not re-appreciate evidence as an appellate forum, nor does it substitute its own conclusions for that of the enquiry

authority. Interference is warranted only where the findings are perverse, based on no evidence, or where the decision-making process is vitiated by illegality or irrationality. This principle stands crystallised in ***B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749*** wherein it was held by the Supreme Court that,

"12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence.

18. Similarly, in ***Union of India vs P. Gunasekaran 2015(2) SCC 610***, the apex court laid down the specific grounds of review,

13. 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 No. 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 Article [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;*
- 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.*

Under Article 226/227 of the Constitution of India, the High Court shall not:

- (i). re-appreciate 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.*

19. The contention raised by the petitioner that no recovery was effected from him or that the evidence led during the enquiry was insufficient to establish misconduct pertains to appreciation of evidence and cannot be gone into in writ jurisdiction. The enquiry report indicates that oral as well as documentary evidence, including the testimony of the complainant and official records relating to acceptance of consignments, were considered. It cannot, therefore, be said that the findings are based on no evidence or are perverse.

20. The material placed on record discloses that the complainant, who was instrumental in setting the trap, in his statement named the petitioner along

with other officials as being involved in the alleged demand of illegal gratification and he was apprehended during the trap proceedings along with co-delinquent officials. The complainant, in his statement recorded during the enquiry, consistently reiterated the allegations made by him regarding demand and payment of bribe to officials of the depot, including the petitioner. The said statement was relied upon by the Enquiry Officer while recording findings of misconduct against the petitioner.

21. The plea of violation of principles of natural justice is equally untenable. The record demonstrates that the petitioner was afforded adequate opportunity to defend himself, including cross-examination of witnesses and submission of a detailed reply. The enquiry proceedings cannot, therefore, be said to suffer from any procedural unfairness.

22. The contention founded on non compliance with Regulation 62 of Food Corporation Of India (Staff) Regulations, 1971 (in short as “1971 Regulations”) is without merit. It is worth noticing that Regulation 62(1), 1971 Regulations, by using the expression “may”, is clearly directory and enabling in nature, and does not mandate prior approval as a condition precedent. It’s purpose is to facilitate administrative convenience by permitting consolidation of proceedings, not to create a rigid jurisdictional requirement.

23. Therefore, absence of prior approval of the Executive Director (North), as pleaded by the petitioner in the present case, does not vitiate the proceedings, particularly when no prejudice is shown and application of mind is evident. The Note appended to the Regulation, in brief, also indicates that common proceedings *may be* ordered by the highest competent authority with the consent of

others, further reflecting its flexible and facilitative character. For bare perusal, Regulation 62, 1971 Regulations is reproduced as under:

Regulation 62. Common proceedings:

(1) Where two or more employee of the Corporation are concerned in any case, the Board or any other authority competent to impose the penalty of dismissal from service on all such employees, may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Note: If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) An order under sub-regulation (1) shall specify:

(i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;

(ii) the penalties specified in Regulation 54 which such disciplinary authority shall be competent to impose

(iii) whether the procedure laid down in regulation 58 and Regulation 59 or Regulation 60 shall be followed in the proceeding.

24. A bare perusal of the provision above, thus clearly demonstrates that it is directory in nature and intended only to facilitate the conduct of proceedings, not to prescribe a mandatory condition.

25. As regards the challenge raised against the appellate and review orders on the ground of being non-speaking also does not merit acceptance. The said authorities have concurred with the findings of the disciplinary authority, and it is settled that in such cases detailed reiteration of reasons is not necessary so long as the application of mind is discernible.

Proportionality of Punishment

26. On the question of proportionality, this Court finds that the penalty imposed cannot be said to shock the conscience of the Court. The misconduct pertains to dereliction of duty in a sensitive sphere involving acceptance of food grain consignments. The penalty of compulsory retirement, in such circumstances, cannot be termed as disproportionate so as to warrant interference. In ***Union of India v. G. Ganayutham, (1997) 7 SCC 463,***

26. Punishment in disciplinary matters : Wednesbury and CCSU tests :

Finally, we come to the present case. It is not contended before us that any fundamental freedom is affected. We need not therefore go into the question of 'proportionality'. There is no contention that the punishment imposed is illegal or vitiated by procedural impropriety. As to 'irrationality', there is no finding by the Tribunal that the decision is one which no sensible person who weighed the pros and cons could have arrived at nor is there a finding, based on material, that the punishment is in 'outrageous' defiance of logic. Neither Wednesbury nor CCSU tests are satisfied. We have still to explain 'Ranjit Thakur '.

*27. In Ranjit Thakur, this Court interfered with the punishment only after coming to the conclusion that the punishment was in outrageous defiance of logic and was shocking. It was also described as perverse and irrational. In other words, this Court felt that, on facts, Wednesbury and CCSU tests were satisfied. In another case, in **B.C. Chaturvedi v. Union of India, 1995(6) SCC 749 : 1996(1) SCT 617 (SC)**, a three Judge Bench said the same thing as follows :*

"The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusions on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal it

would appropriately mould the relief, either by directing the disciplinary authority/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare case, impose appropriate punishment with cogent reasons in support thereof"

*Similar view was taken in **Indian Oil Corporation v. Ashok Kumar Arora, 1997(3) SCC 72 : 1997(2) SCT 52**, that the Court will not intervene unless the punishment is wholly disproportionate.*

27. The principle as in *G. Ganayutham's case* was also reiterated in recent judgement of the Apex court in ***Punjab & Sind Bank v. Sh. Raj Kumar 2026 INSC 313***, Wherein Dipankar Datta, J., speaking on behalf of the bench observed that, The greater the trust reposed, the stricter the scrutiny imposed, while holding that,

9. What follows from the precedents noted above is that courts should exercise restraint while interdicting orders of punishment. Normally, no court in exercise of its power of judicial review should interfere with an order of punishment imposed on a delinquent as a measure of disciplinary action by the competent authority and substitute its own judgment for that of the former. This is premised on the reason that the disciplinary authority is the best judge of the situation, and the requirements of maintaining discipline within the work force. While it is not the law that the courts should invariably stay at a distance when legality and/or propriety of a particular punishment is questioned, judicial scrutiny of the disciplinary action by way of punishment could arise only if the circumstances are such that no reasonable person would impose the punishment which is questioned and/or such punishment has the effect of shocking the conscience of the court. To put in simpler words, interference could be warranted if it appeals to the court that the disciplinary authority has 'used a sledgehammer for cracking a nut'. A punishment, which is strikingly or shockingly disproportionate and is not commensurate with the gravity of misconduct, proved to have been committed in course of inquiry or otherwise, would border on arbitrariness and offend Article 14 of the Constitution.

28. In view of the law laid down by the Supreme Court as discussed above, this Court is of the considered opinion that the scope of judicial review in matters of disciplinary punishment is limited. Interference is warranted only when the penalty imposed is so disproportionate to the misconduct proved that it shocks the conscience of the Court or is manifestly arbitrary. In the present case, having regard to the nature and gravity of the misconduct, the penalty imposed cannot be said to be so excessive or disproportionate as to warrant interference.

Conclusion

29. In view of the foregoing discussion, this Court finds no ground warranting interference of this Court. The findings recorded by the Enquiry Officer are based on material on record, have been duly considered and affirmed by the competent authorities, and do not suffer from perversity, procedural illegality, or violation of principles of natural justice.

30. Consequently, the chargesheet dated 29.09.2021 (Annexure P-5), inquiry report dated 21.04.2022 (Annexure P-20), punishment order dated 25.10.2022 (Annexure P-22), and the review order dated 20.10.2023 (Annexure P-24), whereby the petitioner has been compulsorily retired from service are hereby upheld.

31. The present writ petition is dismissed.

32. Pending application(s), if any shall disposed off.

07.05.2026

anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*