



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

CWP No.16030 of 2001

N.K.Jindal, Junior Engineer

....Petitioner

Versus

State of Haryana and others

....Respondents

Reserved on: 19.05.2026
Pronounced on: 21.05.2026
Uploaded on: 21.05.2026

Whether only the operative part of the judgment is pronounced? No

Whether full judgment is pronounced? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Raman B.Garg, Advocate with
Mr. Mayank Garg, Advocate
Ms. Komal, Advocate and
Mr. Parveen Singh, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.AG, Haryana.

Mr. S.S.Parmar, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing of the impugned order dated 27.04.1999 (Annexure P-6) passed by respondent No.2, whereby the petitioner was punished with stoppage of two increments with cumulative effect; order dated 03.02.2000 (Annexure P-7) passed by respondent No.2, maintaining the earlier punishment; and order dated 20.04.2001 (Annexure P-9) passed by respondent No.1, rejecting the petitioner's appeal.



BRIEF FACTS

2. The petitioner was serving as a Junior Engineer in the Municipal Council, Panipat. He was served a charge-sheet dated 13.01.1997 (Annexure P-1) on six counts, under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 (Rules of 1987). An inquiry was conducted by an Enquiry Officer, who, after considering the entire material on record, submitted his report dated 10.04.1998 (Annexure P-4), exonerating the petitioner on all six charges. The findings of the Enquiry Officer on charges other than charge No.5 were accepted by the disciplinary authority.

3. Regarding charge No.5, which pertained to alleged violation of conduct rules regarding purchase of property and submission of asset statements, the disciplinary authority disagreed with the Enquiry Officer's finding of exoneration. Consequently, a show-cause notice dated 02.06.1998 (Annexure P-5) was issued to the petitioner, stating that a penalty of stoppage of two increments with cumulative effect was proposed. Following which, the disciplinary authority passed the impugned punishment order (Annexure P-6). The petitioner's subsequent appeal to the appellate authority was also dismissed vide order dated 20.04.2001 (Annexure P-9).

CONTENTIONS

4. Learned counsel for the petitioner *inter alia* submits that the disciplinary authority disagreed with the exonerating findings of the Enquiry Officer on charge No. 5 without recording any reasons or supplying the points of disagreement to the petitioner prior to passing the final order. It is contended that such non-compliance constitutes a clear violation of the principles of natural



justice as well as Rule 7(6) of the Rules of 1987, thereby vitiating the impugned orders. Further, the learned counsel submits that the Enquiry Officer, after considering the oral and documentary evidence on record, submitted his report dated 10.04.1998 (Annexure P-4), exonerating the petitioner of all six charges. Insofar as charge No. 5 is concerned, the Enquiry Officer recorded findings that the property in question had been purchased by the petitioner's wife from her independent income and institutional loan, that the building plan had been duly sanctioned by the Municipal Council, and that the petitioner had submitted the requisite property return for the year 1986–87.

4.1 Learned counsel further contends that while differing from the aforesaid findings on charge No. 5, the disciplinary authority failed to comply with the proviso to Rule 7(6) of Rules of 1987, which mandates that the points of disagreement along with brief reasons thereof be supplied to the delinquent employee. It is submitted that the show-cause notice dated 02.06.1998 (Annexure P-5) merely stated that charge No. 5 “stands proved” without disclosing any tentative reasons or grounds for disagreement with the findings recorded by the Enquiry Officer.

5. *Per contra*, learned counsel for the respondents submits that no interference is warranted with the impugned orders, as the disciplinary authority has acted within its powers and in substantial compliance with the rules. Moreover, the disciplinary authority is not bound by the findings of the Enquiry Officer and possesses the full power to disagree with such findings and arrive at its own conclusion based on the material on record. It is submitted that the show-cause notice dated 02.06.1998 (Annexure P-5) was issued to the petitioner, specifically indicating that the disciplinary authority had provisionally formed the



opinion that charge No.5 stood proved against him and that a penalty of stoppage of two increments with cumulative effect was proposed. The petitioner submitted his reply, and the disciplinary authority, after considering the same, passed a reasoned order imposing the penalty. Therefore, it is argued, the petitioner was afforded a sufficient and meaningful opportunity of hearing.

5.1 Learned counsel for the respondents further submits that the requirements of the proviso to Rule 7(6) of the Rules of 1987, were substantially complied with. It is argued that the point of disagreement was self-evident from the fact that the disciplinary authority had rejected the Enquiry Officer's conclusion on charge No.5, and the show-cause notice itself served as the communication of the tentative disagreement. The respondents contend that no separate, elaborate statement of grounds was mandatory, as long as the delinquent officer was put to notice and given a chance to represent, which he was.

OBSERVATION & ANALYSIS

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. It transpires that the Enquiry Officer exonerated the petitioner of all the charges levelled against him. It is further undisputed that although a show-cause notice was issued prior to the imposition of punishment, no reasons or points of disagreement were recorded by the disciplinary authority while differing from the findings of the Enquiry Officer before passing the impugned order.

8. Upon conclusion of the enquiry proceedings, the matter was required to be dealt with in accordance with Rule 7(6) of Rules of 1987, which reads as under:



“7(6) After the enquiry against a Government employee has been completed, and after the punishing authority has arrived at a provisional conclusion in regard to the penalty to be imposed, the Government employee shall, if the penalty to be imposed is major penalty be supplied with a copy of the report of the enquiring authority and be called upon to show cause within reasonable time, not ordinarily exceeding one month against the particular penalty proposed to be inflicted upon him. Any representation submitted by him in this behalf shall be taken into consideration before final orders are passed :

Provided that if the punishing authority disagrees with any part or whole of the findings, of the enquiring authority, the point or points of such dis agreement, together with a brief statement of the ground thereof, shall also be supplied to the Government employee.”

9. Moreover, the proviso to Rule 7(6) of the Rules of 1987 specifically provides that where the punishing authority disagrees, either wholly or in part, with the findings recorded by the Enquiring Authority, it is mandatory to furnish to the delinquent employee the specific points of disagreement together with a brief statement indicating the grounds for such disagreement.

10. A Three Bench Judgement of the Hon’ble Supreme Court in ***Punjab National Bank v. Kunj Behari Misra 1998(3) SCT 833*** while speaking through Justice B.N. Kirpal made the following observation,

“14.These observations are clearly in tune with the observations in Bimal Kumar Pandit's case (supra) quoted earlier and would be applicable at the first stage itself. The aforesaid passages clearly bring out the necessity of the authority which is to finally record an adverse finding to give a hearing to the delinquent officer. If the inquiry officer had given an



adverse finding, as per Karunakar's case (*supra*) the first stage required an opportunity to be given to the employee to represent to the disciplinary authority, even when an earlier opportunity had been granted to them by the inquiry officer. It will not stand to reason that when the finding in favour of the delinquent officers is proposed to be over-turned by the disciplinary authority then no opportunity should be granted. The first stage of the inquiry is not completed till the disciplinary authority has recorded its findings. **The principles of natural justice would demand that the authority which proposes to decide against the delinquent officer must give him a hearing.** When the inquiry officer holds the charges to be proved then that report has to be given to the delinquent officer who can make a representation before the disciplinary authority takes further action which may be prejudicial to the delinquent officer. **When, like in the present case, the inquiry report is in favour of the delinquent officer but the disciplinary authority proposes to differ with such conclusions then that authority which is deciding against the delinquent officer must give him an opportunity of being heard for otherwise he would be condemned unheard.** In departmental proceedings what is of ultimate importance is the finding of the disciplinary authority.....

16. The result of the aforesaid discussion would be that the principles of natural justice have to be read into Regulation 7(2). As a result thereof **whenever the disciplinary authority disagrees with the inquiry authority on any article of charge then before it records its own findings on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings.** The report of the inquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the inquiry officer. The principles of natural justice, as we have already observed, require the authority, which has to take a final decision and can impose a penalty, to give an opportunity to the officer charged of misconduct to file a representation before the disciplinary authority records its findings on the charges framed against the officer.”
(emphasis added)

Further reliance may be placed in this regard on a Two Bench Judgement of the Hon'ble Apex Court in ***State Bank of India and Ors. vs. Mohammad Badruddin 2019 INSC 764.***

11. In ***Raj Kishore Jha vs. State of Bihar, (2003) 11 SCC 519***, the Apex Court crystallized the principle thus: **"Reason is the heartbeat of every conclusion. Without the same, it becomes lifeless."** An order without reasons is anathema to a system of justice based on the rule of law.



12. As such, the principle that whenever the disciplinary authority disagrees with the inquiry authority on any article of charge then before it records its own findings on such charge, it must record its reasons for such disagreement, has been crystallised by the statute as well as by the Hon'ble Supreme Court.

13. A bare perusal of the show cause notice, dated 02.06.1998 (Annexure P-8), reveals that the sole basis for disagreeing with the findings of the Enquiry Officer on Charge No. 5 is that the petitioner had neither submitted the property return statements after the year 1986–87 nor obtained prior permission for purchase of the house. Admittedly, the Enquiry Officer had dealt with Charge No. 5 in considerable detail and, after duly appreciating the material on record, recorded specific reasons and observations while exonerating the petitioner of the said charge. However, the impugned show cause notice neither addresses nor rebuts the reasons assigned by the Enquiry Officer, nor does it disclose any independent reasoning or grounds for differing with the findings so recorded.

14. Further, even the punishment imposed by punishing authority which was without any reason for the dissent from the findings of the enquiry officer and thus *per incuriam* violating both procedure established by Rules of 1987 and principle laid down by the Hon'ble Supreme Court.

CONCLUSION

15. Consequently, this Court finds that the respondents have committed a grave procedural illegality. The Enquiry Officer had exonerated the petitioner on charge No.5 after discussing the evidence, which included the fact that the property was purchased by the petitioner's wife using her own loan, that the



building plan was sanctioned by the Municipal Council itself, and that the property statement was filed by the petitioner.

16. The disciplinary authority disagreed with this reasoned finding. However, the show-cause notice (Annexure P-5), which is the first step of the disagreement process, is silent on the reasons for this disagreement, and does not entertain the reasons recorded by the enquiry officer for petitioner's exoneration.

17. The subsequent orders (Annexures P-6, P-7, and P-9) also fail to cure this fundamental defect, as they impose a penalty without ever disclosing the specific reasons for dissenting from the Enquiry Officer's report. The entire disciplinary action on charge No.5, therefore, stands vitiated on procedural irregularities.

18. In view of the discussion above, the present writ petition is allowed. The impugned order dated 27.04.1999 (Annexure P-6), the order dated 03.02.2000 (Annexure P-7), and the order dated 20.04.2001 (Annexure P-9) are hereby quashed and set aside. The petitioner shall be entitled to all consequential benefits, including the restoration of his two withheld increments, along with arrears, further the petitioner shall be entitled to interest @6% to be calculated from the date of filing of the present writ petition. The entire exercise shall be completed within a period of three months from the date a certified copy of this order is received.

(HARPREET SINGH BRAR)
JUDGE

21.05.2026
Parul/om'

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No