



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9646-2020 (O&M)

Manmeet Singh

....Petitioner

Versus

Registrar Cooperative Societies, Punjab and others

....Respondents

1.	Date when judgment was reserved	21.05.2026
2.	Date of pronouncement of judgment	26.05.2026
3.	Date of uploading judgment	26.05.2026
4.	Whether operative part or full judgment is pronounced	Full
5.	Delay, if any, in pronouncing of full judgment and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akshay Bhan, Sr. Advocate
with Mr. Shiv Kumar, Advocate
Mr. Abishai A. George, Advocate
and Mr. Abhijeet Singh Rawaley, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. P.I.P. Singh, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of the impugned order bearing endorsement No.EOI/EAI-6/2018/422 dated 28.11.2018 (Annexure P-4) passed by



respondent No.3 (Punishing Authority), order dated 27.03.2019 (Annexure P-6) passed by respondent No.2 (Appellate Authority) and order dated 03.03.2020 (Annexure P-8) passed by respondent No.1 (Revisional Authority). Further prayer has been made to direct the respondents to reinstate the petitioner with continuity of service with full wages and extend the accrued benefits.

BRIEF FACTS

2. Briefly the facts of the case are that the petitioner was appointed as Field Officer in MARKFED in the year 2011 and was lastly posted as Branch Officer at MARKFED Branch Office, Batala, District Gurdaspur. He was the supervisor for maintenance and preservation of wheat stocks stored in the NCDC Complex, along with another employee namely Jaswant Singh (Custodian). A physical verification conducted in June, 2018 showed a total wheat stock of 9575 MTs. In September 2018, a release order for 8400 MTs was received and dispatch commenced on 22.09.2018. On 28.09.2018, the Technical Officer, MARKFED, Gurdaspur suspected a shortage in the balance stock. A committee was constituted which reported a shortage of 21,973 bags (10,986.04 quintals) valued at approximately Rs.2,56,77,891/-. The petitioner and Jaswant Singh signed the physical verification report. The Managing Director, without holding a regular inquiry, dismissed the petitioner from service under Rule 12(ii) & (iii) and Rule 6(B) of the MARKFED Punishment & Appeal Rules, 1990. The appeal and revision filed by the petitioner were dismissed.



CONTENTION

3. Learned Senior counsel for the petitioner *inter alia* contends that the impugned orders have been passed in gross violation of the principles of natural justice and Article 311(2) of the Constitution of India, as no regular inquiry was conducted, no show cause notice was issued, and no opportunity of hearing was granted before passing the order of dismissal. He further contends that the police investigation report (Annexure P-10) has found the petitioner innocent of criminal conspiracy and that the co-accused Jaswant Singh has filed an affidavit taking full responsibility for the shortage. He argues that the punishing authority failed to record valid reasons for dispensing with the inquiry under Rule 12 of the MARKFED Punishment & Appeal Rules, 1990. He places reliance on the judgment of the Hon'ble Supreme Court in ***Union of India vs. Tulsi Ram Patel, AIR 1985 SC 1416***, and submits that the exception under Rule 12 must be strictly construed and reasons must be recorded. He, therefore, prays that the impugned orders be set aside and the petitioner be reinstated with full back wages and consequential benefits.

4. *Per contra*, learned counsel for the respondents submits that the petitioner, as Branch Incharge, was jointly responsible for the custody of wheat stocks worth crores of rupees. The physical verification report dated 03.10.2018, which was signed by the petitioner himself, admitted a massive shortage of 21,973 bags. The Managing Director, being the punishing authority, invoked the special procedure



under Rule 12(iii) of the MARKFED Punishment & Appeal Rules, 1990, and recorded his satisfaction in writing that holding a regular inquiry was not in the interest of the Federation given the clear evidence of gross misconduct causing huge financial loss. It is further argued that the petitioner was granted a full and fair post-decisional hearing by the Appellate Authority (Board of Directors) on two occasions i.e. 20.03.2019 and 27.03.2019, where he was personally heard and given an opportunity to produce documents and witnesses. The Appellate Authority, after due consideration, upheld the order of dismissal. The revisional authority also affirmed the same. It is further contended that the police report (Annexure P-10) does not absolve the petitioner, as it finds him prima facie responsible for negligence and carelessness in performance of his duty. The counsel further submits that the scope of judicial review in disciplinary matters is extremely limited and this Court cannot re-appreciate the evidence or interfere with the findings of fact recorded by the departmental authorities unless they are perverse or based on no evidence. The respondents rely upon the judgments of the Hon'ble Supreme Court in ***Union of India vs. P. Gunasekaran, (2015) 2 SCC 610*** and ***S.R. Tewari vs. Union of India, (2013) 6 SCC 602***.

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

6. Admittedly, the petitioner was the joint custodian of the stock along with another individual named Jaswant Singh. It was the procedure for the stock to be quarterly verified, physically. On the



verification dated 30.06.2018 no shortage was found and all stocks were in place, however upon verification in the next quarter on 28.09.2018 a massive shortage of stock worth Rs.2,56,77,891 was revealed. Indisputably, the petitioner being the joint custodian was the signatory to the Physical verification Report prepared on both these dates. As such, it is unequivocally established that he was aware of the shortage. Further, it is undisputed that the petitioner being the Branch Incharge and Joint Custodian of the Wheat Stock for the year 2017 – 18, was responsible and accountable for the same.

7. The impugned action was taken against the petitioner vide order dated 28.11.2018 under the provisions of Special Procedure in Rule 12 of the MARKFED Punishment & Appeal Rules, 1990, which is reproduced below as under:

"12. Special Procedure in Certain Cases

Notwithstanding anything contained in these Rules:

(i) Where any penalty is imposed on the employees on the ground of conduct which has led to his conviction on a criminal charge; or

*(ii) **Where the Punishing Authority is satisfied for reasons to be recorded by it**, that it is not reasonably practicable to hold an enquiry in the manner provided in these rules; (or)*

*(iii) **Where the Punishing Authority is satisfied that in the interest of the Federation, it is not expedient to hold any enquiry in the manner provided in these Rules, the authority may consider the circumstances of the case and make such orders thereon including imposition of any penalty specified in Rule 6 as it may deem fit.**"*



8. A plain reading of the above provision makes it evident that the requirement of holding a regular inquiry under Rule 10 can be dispensed with by the punishing authority if it is satisfied, for reasons to be recorded in writing, that it is not expedient to hold such an inquiry in the interest of the Federation. In the present case, the Managing Director, while passing the order of dismissal dated 28.11.2018, categorically recorded:

“S/Shri Manmeet Singh , F.O (P) (then B.I)(now U/S) and Jaswant Singh, Salesman (deployed) (then custodian) (now U/S) have also signed the P.V Reports, which tantamount to self admission on their part.

From the above, it is clear that S/Shri Manmeet Singh, F.O (P) (then B.I)(now U/S) and Jaswant Singh, Salesman (deployed) (then custodian) (now U/S) have caused heavy losses to Markfed on account of embezzlement in wheat stocks crop 2017-18 valuing Rs.2,69,830/- (financially vetted) in connivance with each other. This is a clear cut case of criminal breach of trust and conduct of these officials is highly irresponsible and grievous in nature. Thus there is no need of further enquiry as the conduct of these officials have made them liable to be given an exemplary punishment”

9. Thus, the essential precondition for invoking Rule 12(ii) and (iii), namely, the recording of reasons by the punishing authority for dispensing with a regular inquiry, stands duly satisfied in the present case. A perusal of the dismissal order dated 28.11.2018 demonstrates that the Managing Director consciously considered the material available on record, including the physical verification reports admittedly signed by the petitioner himself, the nature of the allegations,



and the financial loss caused to the Federation. Upon such consideration, the punishing authority arrived at a categorical satisfaction that the petitioner had caused substantial loss to MARKFED by way of embezzlement and breach of trust, and that no further inquiry was warranted in the facts and circumstances of the case. Therefore, it cannot be said that the power under Rule 12 was exercised mechanically or without application of mind. Rather, the order itself reflects the reasons which weighed with the authority in concluding that holding a regular inquiry was not expedient in the interest of the Federation. Consequently, the satisfaction so recorded cannot be termed arbitrary, perverse, or dehors the provisions of the Rules.

10. The Constitution Bench of the Hon'ble Supreme Court in ***Union of India v. Tulsiram Patel 1985 INSC 155***, while dealing with the issue of dispensing with the need to conduct enquiry before imposing a penalty under Article 311 of the Constitution of India observed as under:-

130. The condition precedent for the application of clause (b) is the satisfaction of the disciplinary authority that "it is not reasonably practicable to hold" the inquiry contemplated by clause (2) of Article 311. What is pertinent to note is that the words used are "not reasonably practicable" and not "impracticable". According to the Oxford English Dictionary "practicable" means "Capable of being put into practice, carried out in action, effected, accomplished, or done; feasible". Webster's Third New International Dictionary defines the word "practicable" inter alia as meaning "possible to practice or perform : capable of being put into practice, done or accomplished : feasible". Further, the words used are not "not practicable" but "not reasonably practicable". Webster's Third New International Dictionary defines the word "reasonably" as "in a reasonable manner : to a fairly sufficient extent".



Thus, whether it was practicable to hold the inquiry or not must be judged in the context of whether it was reasonably practicable to do so. It is not a total or absolute impracticability which is required by clause (b). What is requisite is that the holding of the inquiry is not practicable in the opinion of a reasonable man taking a reasonable view of the prevailing situation. It is not possible to enumerate the cases in which it would not be reasonably practicable to hold the inquiry, but some instances by way of illustration may, however, be given. It would not be reasonably practicable to hold an inquiry where the Government servant, particularly through or together with his associates, so terrorizes, threatens or intimidate witnesses who are going to give evidence against him with fear of reprisal as to prevent them from doing so or where the Government servant by himself or together with or through other threatens, intimidates and terrorizes the officer who is the disciplinary authority or member of his family so that he is afraid to hold the inquiry or direct it to be held. It would also not be reasonably practicable to hold the inquiry where an atmosphere of violence or of general indiscipline and insubordination prevails, and it is immaterial whether the concerned Government servant is or is not a party to bringing about such an atmosphere. In this connection, we must bear in mind that numbers coerce and terrify while an individual may not. *The reasonable practicability of holding an inquiry is a matter of assessment to be made by the disciplinary authority. Such authority is generally on the spot and knows what is happening. It is because the disciplinary authority is the best judge of this that clause(3) of Article 311 makes the decision of the disciplinary authority on this question final. A disciplinary authority is not expected to dispense with a disciplinary inquiry lightly or arbitrarily or out of ulterior motives or merely in order to avoid the holding of an inquiry or because the Department's case against the Government servant is weak and must fail.* The finality given to the decision of the disciplinary authority by Article 311(3) is not binding upon the court so far as its power of judicial review is concerned and in such a case the court will strike down the order dispensing with the inquiry as also the order imposing penalty. The case of **Arjun Chaubey v. Union of India and others, 1984(2) S.L.R. 16 : [1984] 3 S.C.R. 302**, is an instance in point. In that case, the appellant was working as a senior clerk in the office of the Chief Commercial Superintendent, Northern Railway, Varanasi. The Senior Commercial Officer wrote a



letter to the appellant calling upon him to submit his explanation with regard to twelve charges of gross indiscipline mostly relating to the Deputy Chief Commercial Superintendent. The appellant submitted his explanation and on the very next day the Deputy Chief Commercial Superintendent served a second notice on the appellant saying that his explanation was not convincing and that another chance was being given to him to offer his explanation with respect to those charges. The appellant submitted his further explanation but on the very next day the Deputy Chief Commercial Superintendent passed an order dismissing him on the ground that he was not fit to be retained in service. This Court struck down the order holding that seven out of twelve charges related to the conduct of the appellant with the Deputy Chief Commercial Superintendent who was the disciplinary authority and that if an inquiry were to be held, the principal witness for the Department would have been the Deputy Chief Commercial Superintendent himself, resulting in the same person being the main accuser, the chief witness and also the judge of the matter.

11. Further, the Hon'ble Apex Court in ***Tulsiram Patel (supra)*** has already laid out the extent to which such orders passed under the Article 311(2)(b) or an analogous provision of the service rules shall be open to Judicial Scrutiny,

*“138. Where a Government servant is dismissed, removed or reduced 274 in rank by applying clause (b) or an analogous provision of the service rules and the approaches either the High Court under Article 226 or this Court under Article 32, the court will interfere on grounds well established in law for the exercise of power of judicial review in matters where administrative discretion is exercised. **It will consider whether clause (b) or an analogous provision in the service rules was properly applied or not. The finality given by clause (3) of Article 311 to the disciplinary authority's decision that it was not reasonably practicable to hold the inquiry is not binding upon the court. The court will also examine the charge of mala fides, if any, made in the writ petition. In examining the relevancy of the reasons, the court will consider the situation which according to the disciplinary authority made it come to the conclusion that it was not reasonably practicable to hold the inquiry. If the court finds that the***



*reasons are irrelevant, then the recording of its satisfaction by the disciplinary authority would be an abuse of power conferred upon it by clause (b) and would take the case out of the purview of that clause and the impugned order of penalty would stand invalidated. In considering the relevancy of the reasons given by the disciplinary authority the court will not, however, sit in judgment over them like a court of first appeal. In order to decide whether the reasons are germane to clause (b), **the Court must put itself in the place of the disciplinary authority and consider what in the then prevailing situation a reasonable man acting in a reasonable way would have done.** The matter will have to be judged in the light of the then prevailing situation and not as if the disciplinary authority was deciding the question whether the inquiry should be dispensed with or not in the cool and detached atmosphere of a court room, removed in time from the situation in question. Where two views are possible, the court will decline to interfere.”*

12. As such, punishing authority, being the Managing Director, was on the spot and best placed to assess the prevailing situation. The record reveals that the petitioner himself had signed the physical verification report acknowledging the shortage of 21,973 bags valued at over Rs. 2.56 crores. This was not a case of disputed facts requiring a long-drawn evidentiary inquiry, but rather a case of self-evident gross misconduct and massive financial loss caused to the Federation. The reasons recorded in the dismissal order, that the petitioner’s conduct constituted a clear-cut case of criminal breach of trust and that exemplary punishment was warranted, are not only relevant but are directly germane to the satisfaction required under Rule 12(iii). These reasons cannot be said to be arbitrary, perverse, or based on no material. As held by the Hon’ble Supreme Court, this Court must put itself in the place of the disciplinary authority and consider what a reasonable man would have done in the then prevailing situation. A reasonable



employer, faced with irrefutable documentary evidence of embezzlement and a huge shortage of public stock, would certainly conclude that holding a regular inquiry under Rule 10 was not expedient in the interest of the Federation, as it would only delay the inevitable and potentially impede the process of fixing accountability.

13. Moreover, the Hon'ble Supreme Court has consistently held that where on the admitted or indisputable facts only one conclusion is possible and no other view is legally permissible, the Court may decline to interfere with the order on the sole ground of non-observance of natural justice, as doing so would only result in the performance of a useless formality.

14. Reliance in this regard may also be placed on the judgment rendered by the three-judge bench of the Hon'ble Supreme Court in *S.L. Kapoor v. Jagmohan 1980 INSC 184*, wherein the Hon'ble Apex Court speaking through Justice O. Chinnappa Reddy observed as under,

*17. Linked with this question is the question **whether the failure to observe natural justice does at all matter if the observance of natural justice would have made no difference, the admitted or indisputable facts speaking for themselves. Where on the admitted or indisputable facts only one conclusion is possible and under the law only one penalty is permissible, the Court may not issue its writ to compel the observance of natural justice not because it approves the non observance of natural justice but because Courts do not issue futile writs.** But it will be a pernicious principle to apply in other situations where conclusions are controversial however slightly, and penalties are discretionary.*



15. Further, a Two Judge Bench of the Hon'ble Supreme Court in *Aligarh Muslim University v. Mansoor Ali Khan* 2000 INSC 416, speaking through Justice M. Jagannadha Rao observed as under,

“20. In *M.C. Mehta* it was pointed out that at one time, it was held in *Ridge v. Baldwin*, 1964 AC 40 that breach of principles of natural justice was in itself treated as prejudice and that no other 'de facto' prejudice needed to be proved. But, since then the rigour of the rule has been relaxed not only in England but also in our country. In *S.L. Kapoor v. Jagmohan*, 1980(4) SCC 379, Chinnappa Reddy, J. followed *Ridge v. Baldwin* and set aside the order of supersession of the New Delhi Metropolitan Committee rejecting the argument that there was no prejudice though notice was not given. The proceedings were quashed on the ground of violation of principles of natural justice. But even in that case certain exceptions were laid down to which we shall presently refer.

21. Chinnappa Reddy, J. in *S.L. Kapoor's* case, laid two exceptions (at p. 395) namely, "if upon admitted or indisputable facts only one conclusion was possible", then in such a case, the principle that breach of natural justice was in itself prejudice, would not apply. In other words if no other conclusion was possible on admitted or indisputable facts, it is not necessary to quash the order which was passed in violation of natural justice. Of course, this being an exception, great care must be taken in applying this exception.

23. The 'useless formality' theory, it must be noted, is an exception. Apart from the class of cases of "admitted or indisputable facts leading only to one conclusion" referred to above, - there has been



considerable debate of the application of that theory in other cases. *The divergent views expressed in regard to this theory have been elaborately considered by this Court in M.C. Mehta referred to above. This Court surveyed the views expressed in various judgments in England by Lord Reid, Lord Wilberforce, Lord Woolf, Lord Bingham, Megarry, J. and Staughton L.J. etc. in various cases and also views expressed by leading writers like Profs. Garner, Craig, De Smith, Wade, D.H. Clark etc. Some of them have said that orders passed in violation must always be quashed for otherwise the Court will be prejudging the issue. Some others have said, that there is no such absolute rule and prejudice must be shown. Yet, some others have applied via-media rules. We do not think it necessary, in this case to go deeper into these issues. In the ultimate analysis, it may depend on the facts of a particular case.*

24. It will be sufficient, for the purpose of the case of Mr. Mansoor Ali Khan to show that his case will fall within the exceptions stated by Chinnappa Reddy, J. in S.L. Kapoor v. Jagmohan, namely, that on the admitted or indisputable facts - only one view is possible. In that event no prejudice can be said to have been caused to Mr. Mansoor Ali Khan though notice has not been issued.

16. The “useless formality” theory postulates that where, on admitted or indisputable facts, only one conclusion is possible and under the law only one consequence can follow, non-observance of the principles of natural justice would not vitiate the action, since compliance thereof would have made no difference whatsoever. In the present case, the admitted facts speak for themselves. The petitioner, being a joint custodian of the stock, had signed the physical verification



report dated 03.10.2018, which unequivocally recorded a massive shortage of 21,973 bags (10,986.04 quintals) valued at more than Rs. 2.56 crores. These are not disputed facts requiring adjudication through a contested inquiry; rather, they are self-evident circumstances arising from the physical verification conducted in the petitioner's presence and acknowledged by his own signatures on the verification report.

17. Consequently, even if a regular inquiry had been conducted, the only possible conclusion, on the basis of the petitioner's admitted role as custodian and his presence during the stock verification, would have been that he was responsible for the safekeeping, storage, and maintenance of the stock. Further, the siphoning of such an enormous quantity of stock could not reasonably have escaped the petitioner's notice. The movement of more than 22,000 bags of stock, weighing over 10,986 quintals, would necessarily require transportation arrangements, labour, and systematic handling over a considerable period of time; such large-scale movement could neither occur silently nor overnight without the knowledge of the custodian. As such, the petitioner was jointly responsible for the shortage and, consequently, for the embezzlement resulting in substantial financial loss to the Federation.

18. In these circumstances, no conclusion other than the petitioner's culpability was possible on the admitted and indisputable facts of the case. Therefore, even assuming that the non-holding of a regular inquiry amounted to a procedural violation, no real prejudice has



been caused to the petitioner, and this Court would not be justified in quashing the impugned orders merely to direct compliance with a useless formality.

19. Before concluding, it must be emphasized that disciplinary proceedings are entirely distinct and independent from criminal proceedings. The standard of proof in a criminal trial is "proof beyond reasonable doubt", whereas in departmental proceedings, the standard is the much lower threshold of "preponderance of probability". The petitioner, as Branch Incharge and joint custodian, cannot abdicate his responsibility by placing the entire blame on the co-custodian, Jaswant Singh, nor can he seek absolution on the basis of an affidavit filed by the said co-accused assuming full responsibility. Supervisory liability is not transferred by such self-serving documents; it is intrinsic to the office held by the petitioner.

20. Furthermore, the timeline of events is damning against the petitioner. The physical verification conducted in June 2018, during the petitioner's tenure, showed no shortage whatsoever. The shortage of 21,973 bags surfaced barely three months later, during the verification conducted on 28.09.2018, again during the petitioner's continuing tenure as Branch Incharge. Most significantly, the petitioner participated in the stock verification and signed the physical verification report dated 03.10.2018, which unequivocally recorded the massive shortage of over Rs.2.56 crores. This signature is not a mere formality; it constitutes a clear and binding admission of the factual position on record. No



amount of argumentation, procedural challenge, or subsequent explanation can erase or dilute the legal effect of this self-evident or speaking admission. Once the facts stand admitted, there remains nothing to be proved by way of a regular inquiry, and the invocation of the special procedure under Rule 12(iii) stands fully justified.

21. Insofar as the quantum of punishment is concerned, this Court finds that the penalty of dismissal from service is neither disproportionate nor shocking to the conscience of the court. The misconduct committed by the petitioner is extremely grave. He was holding a position of trust and was responsible for public property (wheat stocks) worth crores of rupees. A shortage of 21,973 bags of wheat cannot be dismissed as a minor irregularity. It is a case of gross negligence, if not outright embezzlement, causing immense financial loss to the respondent/Federation. The punishing authority, after considering the gravity of the misconduct, thought it fit to impose the major penalty of dismissal. The Appellate Authority and the Revisional Authority have affirmed the same. This Court is not sitting in appeal over the decision of the departmental authorities. As held by the Hon'ble Supreme Court in *B.C. Chaturvedi vs. Union of India, (1995) 6 SCC 749*, interference with the quantum of punishment is warranted only if the punishment is so shockingly disproportionate as to call for no other conclusion than that it is arbitrary and perverse. The present case does not fall in that category.



22. Consequently, this Court finds that the impugned orders were passed after due application of mind, in compliance with the relevant rules. The findings of fact recorded by the departmental authorities are based on clear evidence on record, including the physical verification report signed by the petitioner. There is no perversity or arbitrariness in the conclusions drawn. The scope of judicial review under Article 226 being limited, this Court refrains from interfering with the well-reasoned orders passed by the respondents.

23. In view of the above discussions, the present writ petition is found to be devoid of any merit and is accordingly dismissed.

24. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.05.2026
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No