



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

209

1.

CWP-9863-2022

Date of decision: 17.07.2026

Joginder Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited & ors.

.....Respondents

2.

CWP-12628-2010 (O&M)

Date of decision: 17.07.2026

Joginder Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited & ors.

.....Respondents

3.

CWP-8525-2014

Date of decision: 17.07.2026

Joginder Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited & ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. M.L. Saggar, Sr. Advocate with
Mr. Sunny Saggar, Advocate
for the petitioner in CWP-9863-2022 and
CWP-12628-2010.

Mr. Sarbjit Singh Khaira, Advocate
for the petitioner in CWP-8525-2014.

Mr. Saksham Dudeja, Advocate
for the respondents-PSPCL in CWP-9863-2022.

Mr. Sanjeev Sharma, Advocate
for respondents No.1 to 3 in CWP-12628-2010.

Mr. Ish Karan Singh Chhabra, Advocate for
Mr. A.D.S. Sukhija, Advocate
for the respondents-PSPCL in CWP-8525-2014.

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of the above-referred three petitions filed by the same petitioner. CWP-8525-2014 and CWP-9863-2022 have been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for quashing the chargesheet dated 22.07.2011 (Annexure P-1), enquiry report dated 26.11.2013 (Annexure P-3) and order dated 25.04.2014 (Annexure P-4), vide which promotion of the petitioner from the post of Additional Assistant Engineer has been withdrawn along with all the financial benefits relating to the promotion with effect from 20.05.2005. CWP-12628-2010 has been filed for issuance of directions to the respondents to promote the petitioner as Assistant Engineer (Electrical) with effect from the date of the order dated 30.05.2010 (Annexure P-5), vide which respondents No.5 to 7, junior to the petitioner, have been promoted with all consequential benefits.

CWP-8525-2014 and CWP-9863-2022

2. The brief facts of the case as have been pleaded in the present petitions are that the petitioner, who is a diploma holder in Electronics, was initially appointed as Lineman on 01.11.1978. He was subsequently promoted to the post of Junior Engineer-II on 19.10.1984, and was thereafter further promoted to the post of Junior Engineer-I (Additional Assistant Engineer) on 01.07.2005. Subsequently, vide order dated 30.05.2010, certain juniors to the petitioner were promoted to the post of Assistant Engineers, whereas the petitioner was denied such promotion. Aggrieved thereby, the petitioner challenged the said promotion order by filing CWP No.12628 of 2010 and claimed

promotion as Assistant Engineer. During the pendency of the aforesaid petition, the petitioner was issued a chargesheet dated 22.07.2011 (Annexure P-1) alleging therein that at page 4 of the service book part-2, an entry has been made showing that he had passed the Engineering Subordinate Accounts Departmental Examination held in December, 1985, the result whereof has been shown to be declared, vide order dated 04.05.1986 of Secretary, P&R. The petitioner's name was shown at Sr. No.152 against Roll No.165 as having passed the said examination. It was further alleged that a complaint was received in the office against the petitioner asserting that a bogus entry regarding his having passed the aforesaid departmental examination had been made in his service book and whereas he did not even appear in the said examination. The inquiry of this complaint was got conducted by the office of the Superintending Engineer (Circle Gurdaspur) from Engineer N.K. Malik, Additional Superintending Engineer (Sub Division, Pathankot), and according to the inquiry report, the bogus entry was found in the service book. Consequently, the petitioner was placed under suspension for being guilty of getting made bogus entry of passing the Engineering Subordinate Accounts Departmental Examination for his self interest and for securing undue financial benefits directly due to this bogus entry in the service book. The petitioner submitted reply to the chargesheet on 04.11.2011. Thereafter, Additional Executive Engineer/Operations, Punjab State Power Corporation Limited, Rayya Circle, Beas, was appointed as an inquiry officer, who conducted the inquiry as per regulations of the Commission submitted his inquiry report, vide memo dated 26.11.2013

(Annexure P-3) and concluded as under:-

“CONCLUSION:-

Sh. Joginder Singh, AAE, was not eligible for promotion from JE-2 to JE-1 at that time. The in genuine benefit of bogus entry of having passed the Departmental Accounts Examination was availed on that time which he has not passed. In spite of having known to bogus entry of having passed the Departmental Accounts Examination, he got the promotional as well as financial benefits for which he was not entitled for. Therefore, all promotional benefits given to the employee were wrong and the allegations of fraud with the department, against the employees are proved and the financial and promotional benefits received by him are to be withdrawn and the employee is liable to be punished.

*Sd/-
Inquiry Officer-cum-Additional Executive Engineer/Operations
Punjab State Power Corporation Lt.
Rayya Circle, Beas.”*

3. The said inquiry report was forwarded to the petitioner for his comments/representation which were submitted by the petitioner, and after affording an opportunity of personal hearing to the petitioner, the punishing authority, vide order dated 25.04.2014 (Annexure P-4) withdrew the promotion of the petitioner made to the post of Junior Engineer-I (Additional Assistant Engineer) and also withdrew all the financial benefits given to him relating to his promotion. The said order has been impugned in the present petitions.

4. Written statement on behalf of respondents No.1 to 4 has been filed, wherein it has been stated as under:-

“1. That present petition is liable to be dismissed as petitioner has not approached this Hon'ble High Court with clean hands as per service record petitioner had joined the department as lineman on 01/11/1978 and was promoted as JE on 19/10/1984. He was promoted as AAE on 01/07/2005. However, it is pertinent to mention here that Passing of Subordinate Engineering Department Exam is pre-requisite condition for promotion from the post of JE to the post of AAE as per Regulation 9(8) and

Condition No. 1 of Regulation 9 of PSEB Technical Service Class-III Regulations, 1996. Petitioner was promoted to the post of AAE, since there was an entry of passing of Subordinate Engineering Departmental Exam in petitioner's service book at page No.4 part 2, therefore, he was promoted as AAE. When a complaint was received, the matter was examined, during the enquiry or otherwise petitioner could not substantiate his passing of examination. As per official record, the roll number under which petitioner alleges to have passed departmental exam does not relate to petitioner, thus an bogus and false entry was made in his service book, resultantly petitioner's promotion as AAE from the post of JE was result of fraud and bogus entry made by petitioner however it deserves mentioning that passing of it all this promotion was a result of fraud that is played by the petitioner with a soiled intention with Respondent Corporation.

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3. That the para no.3 needs no reply to the extent of Joining and promotion of petitioner as Junior Eng inner (JE), Passing of Subordinate Engineering Department Exam is pre-requisite condition for promotion from the post of JE to the post of AAE as per Regulation 9(8) and Condition No. 1 of Regulation 9 of PSEB Technical Service Class-III Regulations, 1996. Petitioner was promoted to the post of AAE, since there was an entry of passing of Subordinate Engineering Departmental Exam in petitioner's service book at page No.4 part 2, therefore, he was promoted as AAE. When a complaint was received, the matter was examined, during the enquiry or otherwise petitioner could not substantiate his passing of examination. As per official record, the roll number under which petitioner alleges to have passed departmental exam does not relate to petitioner, thus an bogus and false entry was made in his service book, resultantly petitioner's promotion as AAE from the post of JE was result of fraud and bogus entry made by petitioner however it deserves mentioning that passing of it all this promotion was a result of fraud that is played by the petitioner with a soiled intention with Respondent Corporation."

5. Learned senior counsel for the petitioner submits that the petitioner had duly passed the Engineering Subordinate Accounts Departmental Examination and entry to this effect has rightly been made in the service book. The petitioner has not committed any fraud and consequently, on the basis of the said entry, he was promoted to the post of Additional Assistant Engineer, however, on an anonymous

complaint, the Corporation has initiated the proceedings and had withdrawn the promotion given to the petitioner. The petitioner, at this stage, is not having any document to prove the fact that he had duly appeared in the said examination and had passed the same as the said examination was held in the May, 1986 and the petitioner has retired from service on 30.04.2014. Therefore, the impugned order cannot be sustained and is liable to be set aside.

6. *Per contra*, learned counsel for the respondents submits that the petitioner has committed fraud with the department by making a bogus entry in the service book and on the basis of the same, got promotion to the post of Additional Assistant Engineer. Furthermore, on receipt of the complaint, firstly preliminary inquiry was conducted by the Corporation, wherein it was held that the entry of passing the said examination is bogus and thereafter, the petitioner was issued a chargesheet and after following the due procedure, the punishing authority has passed the impugned order withdrawing the promotion given to the petitioner. He further submits that the power of judicial review under Article 226 of the Constitution of India is limited to the extent of finding as to whether there is any procedural irregularity in conducting the inquiry.

7. I have heard learned counsel for the parties and perused the record.

8. The facts are not in dispute that the petitioner got promotion to the post of Additional Assistant Engineer on 01.07.2005 on the basis of an entry made in the service book with regard to the passing of the Engineering Subordinate Accounts Departmental Examination, which was found to be bogus. A preliminary inquiry was

conducted which was followed by a regular departmental inquiry which was conducted in accordance with the procedure prescribed under the Rules of the Corporation. Pursuant thereto, the impugned order was passed withdrawing the petitioner's promotion and ordering recovery of the financial benefits relating to the promotion. The principal question, therefore, is not whether this Court should re-appreciate the evidence recorded in the departmental proceedings, but whether the decision-making process suffers from any illegality or violation of principles of natural justice warranting interference. The scope of judicial review has been discussed by the Hon'ble Supreme Court in ***State of Andhra Pradesh and others v. S. Sree Rama Rao, 1963 AIR Supreme Court 1723***, wherein it has been held that the High Court is not a Court of appeal which examines the merits of the findings recorded in the departmental inquiry and the power of judicial review is confined to; whether the inquiry was held by a competent authority; according to the procedure prescribed and whether rules of natural justice have been followed.

9. The Hon'ble Supreme Court in ***Union of India and another v. P. Gunasekaran, 2015(1) SCT 5*** while considering the scope of interference under Articles 226/227 of the Constitution of India has held he as under: -

"13. Despite the well-settled 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.*

*14. In one of the earliest decisions in **State of Andhra Pradesh and others v. S. Sree Rama Rao, AIR 1963 Supreme Court 1723**, many of the above principles have been discussed and it has been concluded thus :*

"7. ... The High Court is not constituted in a proceeding under Article 226 of the Constitution a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority

competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent pendent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution."

15. In *State of Andhra Pradesh and others v. Chitra Venkata Rao*, (1975)2 SCC 557, the principles have been further discussed at paragraph paragraph-21 to 24, which read as follows :

*"21. The scope of Article 226 in dealing wit with departmental inquiries has come up before this Court. Two propositions were laid down by this Court in **State of A.P. v. S. Sree Rama Rao Rao**. First, there is no warrant for the view that in considering whether a public officer is guilty of misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court must be applied. If that rule be not applied by a domestic tribunal of inquiry the High Court in a petition under Article 226 of the Constitution is not competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not a court of appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public servant. The Court is concerned to determine whether the enquiry is held by an authority competent in that behalf and according to the procedure prescribed in that behalf, and whether the rules of natural*

justice are not violated. Second, where there is some evidence which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court to review the evidence and to arrive at an independent finding on the evidence. The High Court may interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. The departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there is some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226.

22. Again, this Court in **Railway Board, representing the Union of India, New Delhi v. Niranjan Singh** said that the High Court does not interfere with the conclusion of the disciplinary authority unless the finding is not supported by any evidence or it can be said that no reasonable person could have reached such a finding. In *Niranjan Singh* case this Court held that the High Court exceeded its powers in interfering with the findings of the disciplinary authority on the charge that the respondent was instrumental in compelling the shut- down of an air compressor at about 8.15 a.m. on May 31, 1956. This Court said that the Enquiry Committee felt that at the evidence of two persons that the respondent led a group of strikers and compelled them to close down their compressor could not be accepted at its face value. The General Manager did not agree with the Enquiry Committee on that point. The General Manager accepted the evidence. This Court said that it was open to the General Manager to do so and he was not bound by the conclusion reached by the committee. This Court held that the conclusion reached by the disciplinary authority should prevail and the High Court should not have interfered with the conclusion.

23. The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The Court exercises it not as an appellate court. The findings of fact reached by an inferior court or tribunal as a result of the

*appreciation of evidence are not reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by a tribunal, a writ can be issued if it is shown that in recording the said finding, the tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Again if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. A finding of fact recorded by the Tribunal cannot be challenged on the ground that the relevant and material evidence adduced before the Tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal. See **Syed Yakooob v. K.S. Radhakrishnan**.*

24. The High Court in the present case assessed the entire evidence and came to its own conclusion. The High Court was not justified to do so. Apart from the aspect that the High Court does not correct a finding of fact on the ground that the evidence is not sufficient or adequate, the evidence in the present case which was considered by the Tribunal cannot be scanned by the High Court to justify the conclusion that there is no evidence which would justify the finding of the Tribunal that the respondent did not make the journey. The Tribunal gave reasons for its conclusions. It is not possible for the High Court to say that no reasonable person could have arrived at these conclusions. The High Court reviewed the evidence, reassessed the evidence and then rejected the evidence as no evidence. That is precisely what the High Court in exercising jurisdiction to issue a writ of certiorari should not do."

*These principles have been succinctly summed up by the living legend and centenarian Justice V. R. Krishna Iyer in **State of Haryana and another v. Rattan Singh, (1977) 2 SCC 491**. To quote the unparalleled and inimitable expressions:*

"4. in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and Administrative Tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act. For this proposition it is not necessary to cite

decisions nor text books, although we have been taken through case case-law and other authorities by counsel on both sides. The essence of a judicial approach is objectivity, exclusion of extraneous materials or considerations and observance of rules of natural justice. Of course, fair play is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal, cannot be held good...."

10. To the similar effect is the judgment of the Hon'ble Supreme Court in ***Central Industrial Security Force and others v. Abrar Ali***, 2017(1) SCT 682, wherein it has been held as under: -

*"8. Contrary to findings of the Disciplinary Authority, the High Court accepted the version of the Respondent that he fell ill and was being treated by a local doctor without assigning any reasons. It was held by the Disciplinary Authority that the Unit had better medical facilities which could have been availed by the Respondent if he was really suffering from illness. It was further held that the delinquent did not produce any evidence of treatment by a local doctor. The High Court should not have entered into the arena of facts which tantamounts to re-appreciation of evidence. It is settled law that re-appreciation of evidence is not permissible in the exercise of jurisdiction under Article 226 of the Constitution of India. In **State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaiya** reported in 2011(2) S.C.T. 782 : 2011(3) Recent Apex Judgments (R.A.J.) 28 : (2011) 4 SCC 584, this Court held as follows:*

"7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic inquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on

extraneous considerations. (Vide B.C. Chaturvedi v. Union of India, 1996(1) S.C.T. 617 : (1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44, Union of India v. G. Ganayutham, 1997(4) S.C.T. 214 : (1997) 7 SCC 463 : 1997 SCC (L&S) 1806, Bank of India v. Degala Suryanarayana, 1999(3) S.C.T. 669 : (1999) 5 SCC 762 : 1999 SCC (L&S) 1036 and High Court of Judicature at Bombay v. Shashikant S. Patil."

11. The said view has recently been reiterated by the Hon'ble Supreme Court in **Deputy General Manager (Appellate Authority) and others v. Ajai Kumar Srivastava, 2021(1) SCT 285** and in the said judgment it has been held as under: -

*"23. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional Courts under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court in **State of Tamil Nadu v. T.V. Venuaopalan, 1994(6) SCC 302** and later in **Government of T.N. and Another v. A. Rajapandian, 1995(1) SCC 216** and further examined by the three Judge Bench of this Court in **B.C. Chaturvedi v. Union of India and Others, 1995(6) SCC 749** wherein it has been held as under*

*"13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappraise the evidence or the nature of punishment. In a disciplinary enquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In **Union of India v. H.C. Goel [(1964) 4 SCR 718]** this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."*

*24. It has been consistently followed in the later decision of this Court in **Himachal Pradesh State Electricity Board Limited v. Mahesh Dahiya, 2017(1) SCC 768** and recently by the three Judge Bench of this Court in **Pravin Kumar v. Union of India and Others, 2020(9) SCC 471.***

25. It is thus settled that the power of judicial review, of

the Constitutional Courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The Court/Tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority is perverse or suffers from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.

26. When the disciplinary enquiry is conducted for the alleged misconduct against the public servant, the Court is to examine and determine: (i) whether the enquiry was held by the competent authority; (ii) whether rules of natural justice are complied with; (iii) whether the findings or conclusions are based on some evidence and authority has power and jurisdiction to reach finding of fact or conclusion.

27. It is well settled that where the enquiry officer is not the disciplinary authority, on receiving the report of enquiry, the disciplinary authority may or may not agree with the findings recorded by the former, in case of disagreement, the disciplinary authority has to record the reasons for disagreement and after affording an opportunity of hearing to the delinquent may record his own findings if the evidence available on record be sufficient for such exercise or else to remit the case to the enquiry officer for further enquiry.

28. It is true that strict rules of evidence are not applicable to departmental enquiry proceedings. However, the only requirement of law is that the allegation against the delinquent must be established by such evidence acting upon which a reasonable person acting reasonably and with objectivity may arrive at a finding upholding the gravity of the charge against the delinquent employee. It is true that mere conjecture or surmises cannot sustain the finding of guilt even in the departmental enquiry proceedings.

29. The Constitutional Court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry

proceedings except in a case of malafides or perversity, i.e., where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at that findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained."

12. To the similar effect is the judgment in ***B.C. Chaturvedi v. Union of India and others : 1996(1) SCT 617*** and ***Indian Oil Corporation Ltd. v. Ashok Kumar Arora : (1997) 3 SCC 72***.

13. In the present case, the allegations levelled in the chargesheet have been duly proved in the inquiry proceedings, which has been held strictly as per the procedure laid down in the regulations of the Corporation. Nothing has been shown that there is any procedural irregularity in conducting the inquiry or that there is any violation of principles of natural justice.

14. A perusal of the record leaves no manner of doubt that the disciplinary proceedings were conducted after following the prescribed procedure in its entirety and in due compliance with the principles of natural justice. The petitioner was served with a chargesheet, participated in the enquiry proceedings, and submitted his defence, was afforded an opportunity to make representation against the enquiry report, and was granted a personal hearing before the disciplinary authority. In these circumstances, it cannot be said that the petitioner was denied adequate or reasonable opportunity, or that the proceedings stand vitiated on account of any procedural infirmity.

15. The challenge raised in the present writ petitions, in substance, seeks re-appreciation of the factual findings returned in the departmental proceedings and reassessment of the evidentiary material

on record. Such an exercise is plainly impermissible in writ jurisdiction. This Court does not sit as an appellate forum over the findings recorded by the inquiry officer or the disciplinary authority and it cannot go into the adequacy or inadequacy of evidence, examine the reliability of evidence as if sitting in appeal, or substitute its own view for the view taken by the competent authorities. Unless the findings are shown to be perverse, based on no evidence, rendered in breach of the principles of natural justice, or unless the punishment imposed is so disproportionate as to shock the conscience of the Court, no interference is warranted. In the facts of the present case, none of the aforesaid contingencies is made out.

16. Keeping in view the above, finding no merit in the present writ petitions, the same are hereby dismissed.

17. Pending applications, if any, stand disposed of.

CWP-12628-2010

18. In view the order passed hereinabove in CWP-8525-2014 and CWP-9863-2022, no further relief can be granted in the present petition, which stands dismissed accordingly.

19. Pending applications, if any, also stand disposed of.

17.07.2026

Vinay

**(NAMIT KUMAR)
JUDGE**

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