

2026:PHHC:092823



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

**CWP-6814-2021
DECIDED ON:07.07.2026**

ARUN KUMAR

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENT(S)

CWP-5794-2021

ARUN KUMAR

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sukhwinder Singh Sudan, Advocate
for the petitioner(s)

Mr. TPS Walia, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. Vide this common order, this Court intends to dispose off both the above-said petitions as common question of law is involved therein and just to avoid repetition, the facts are being taken from CWP-6814-2021.

Prayer

2. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the impugned original as well as amended charge-sheet dated 23.09.2013 (Annexures P-2 & P-7) along-with enquiry report dated 17.09.2014 (Annexure P-11) and the punishment order dated 11.02.2021 (Annexure P-12) with all consequential disciplinary proceedings arising therefrom. A writ of mandamus has also been sought directing the respondents to grant all consequential service benefits to the petitioner.

Brief Facts

3. The petitioner, while serving as Section Officer in the Punjab State Planning Board, was issued a charge-sheet dated 23.09.2013 (Annexure P-2) under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, alleging that he had disobeyed the directions of the Public Information Officer by not furnishing information sought under the Right to Information Act, 2005. The petitioner submitted his reply to the charge-sheet (Annexure P-3). During the pendency of the departmental enquiry, the respondents amended the charge-sheet vide amendment letter dated 07.04.2014 and supplied the amended charge-sheet (Annexure P-7), whereby the date of the RTI application was substituted from 13.03.2013 to 22.04.2013. The petitioner filed a detailed reply to the amended charge-sheet (Annexure P-8). Upon conclusion of the enquiry, the Enquiry Officer submitted his report dated 17.09.2014 (Annexure P-11), holding the charges proved, which culminated in the punishment order dated 11.02.2021 (Annexure P-12) imposing the penalty of stoppage of one annual increment with cumulative

effect. Aggrieved thereby, the petitioner has approached this Court by way of the present writ petition.

Contentions

On Behalf of Learned Counsel for the Petitioner

4. Learned counsel for the petitioner submits that the impugned charge-sheet dated 23.09.2013 (Annexure P-2) and its subsequent amendment (Annexure P-7) are legally unsustainable, as the charges were materially altered after commencement of the enquiry, which is impermissible under the Punjab Civil Services (Punishment and Appeal) Rules, 1970. It is argued that the petitioner merely placed his opinion before the competent authority in the discharge of his official duties and was neither the competent authority to furnish information under the RTI Act nor guilty of disobeying any statutory direction of the Public Information Officer. It is further contended that there is no evidence to establish the charges; the enquiry report dated 17.09.2014 (Annexure P-11) is based on conjectures, witness statements were not supplied to the petitioner along with the charge-sheet, and the entire enquiry stands vitiated for violation of the principles of natural justice and Article 311 of the Constitution. Counsel further argues that the RTI Act, 2005 is a complete code providing its own mechanism for dealing with alleged lapses in furnishing information, and therefore resort to disciplinary proceedings was unwarranted. It is also submitted that after the petitioner's repatriation to his parent department, the respondents lacked jurisdiction to continue the disciplinary proceedings and impose the punishment. Lastly, it is urged that the punishment order dated 11.02.2021 (Annexure P-12) imposing stoppage of one increment with cumulative effect is arbitrary, disproportionate and liable to be quashed.

On behalf of respondents

5. Learned State counsel submits that the impugned punishment order has been passed strictly in accordance with the Punjab Civil Services (Punishment and Appeal) Rules, 1970 after following due procedure and on the basis of the enquiry report, wherein the petitioner was found guilty of misconduct. It is contended that upon the petitioner's repatriation to his parent department, the Department of Personnel sought the opinion of the Legal Remembrancer regarding the competent disciplinary authority. Acting upon the advice rendered vide Annexures R-1 and R-2, the parent department, being the competent punishing authority, lawfully imposed the punishment. It is further submitted that the petitioner was afforded due opportunity during the disciplinary proceedings, the punishment of stoppage of one annual increment with cumulative effect is commensurate with the proved misconduct, and no interference is warranted in exercise of writ jurisdiction.

6. Reliance is also placed upon the judgment dated 10.01.2019 (Annexure R-3) passed in CWP No.26269 of 2013 and CWP No.10902 of 2014 to contend that the petitioner had earlier been relegated to challenge the enquiry report only after any adverse action was taken, which has now culminated in the impugned order.

7. Learned counsel appearing for respondent No.3 submits that the departmental proceedings were conducted in accordance with law and the amendment in the charge-sheet merely rectified an inadvertent error regarding the date of the RTI application without altering the substance of the charge. It is argued that the enquiry was conducted by a retired District and Sessions Judge after affording adequate opportunity to the petitioner, and the enquiry report

clearly establishes that the petitioner had deliberately disobeyed the directions of the Public Information Officer, thereby committing misconduct. It is further contended that there was no violation of the principles of natural justice, the amended charge-sheet and relevant documents were duly supplied to the petitioner, and the disciplinary proceedings are supported by cogent evidence.

Analysis

8. The principal challenge raised by the petitioner is to the validity of the charge-sheet, the amendment carried out therein, the enquiry report and the consequential punishment order. However, upon a consideration of the pleadings and the record, this Court finds no ground warranting interference in the exercise of its writ jurisdiction.

9. The contention of the petitioner that the amendment of the charge-sheet vitiated the entire disciplinary proceedings is devoid of merit. A perusal of the record reveals that the amendment merely substituted the date of the RTI application from 13.03.2013 to 22.04.2013 so as to rectify an inadvertent clerical error. The substance of the charge, namely the petitioner's failure to comply with the directions of the Public Information Officer regarding furnishing of information under the Right to Information Act, 2005, remained unchanged. The petitioner was supplied the amended charge-sheet and was afforded an opportunity to submit his reply. In the absence of any demonstrable prejudice having been caused on account of such correction, the amendment cannot be said to have vitiated the disciplinary proceedings.

10. The plea that the petitioner was not under any obligation to comply with the directions of the Public Information Officer also deserves rejection. The record demonstrates that the petitioner, while functioning as Section Officer, was

entrusted with processing the RTI matter and was specifically required to ensure compliance with the directions issued by the competent authority. Instead of facilitating compliance, the petitioner proposed withholding of the information despite clear directions of the Public Information Officer. The Enquiry Officer, after appreciating the documentary as well as oral evidence, returned a categorical finding that the petitioner had acted negligently and had disobeyed the directions of the Public Information Officer. This Court, while exercising powers of judicial review under Article 226 of the Constitution, does not sit as an appellate authority over the findings recorded in a departmental enquiry. Unless the findings are shown to be perverse, based on no evidence or arrived at in violation of the principles of natural justice, re-appreciation of evidence is impermissible.

11. The submission regarding violation of the principles of natural justice is equally untenable. The petitioner was served with the charge-sheet, the amended charge-sheet, participated in the enquiry, submitted his replies and was afforded adequate opportunity to defend himself. Mere dissatisfaction with the conclusions arrived at by the Enquiry Officer cannot be equated with denial of a fair opportunity. Nothing has been brought on record to establish that any procedural lapse caused prejudice so as to invalidate the enquiry.

12. The argument that the provisions of the Right to Information Act constitute a complete code and, therefore, disciplinary proceedings could not have been initiated under the Punjab Civil Services (Punishment and Appeal) Rules, 1970, is also misconceived. The RTI Act governs the statutory mechanism relating to dissemination of information and consequences flowing from violations thereof. The present proceedings, however, are founded upon misconduct committed by a Government servant in the discharge of his official duties and, therefore, the

respondents were fully competent to invoke the disciplinary jurisdiction under the applicable service rules. Both enactments operate in distinct fields and are not mutually exclusive.

13. The objection regarding lack of jurisdiction of the disciplinary authority after the petitioner's repatriation to his parent department is likewise without substance. The record reveals that the Department of Personnel sought the opinion of the Legal Remembrancer regarding the competent punishing authority and, upon receiving the advice that the parent department would be the competent authority after repatriation, the impugned punishment order was passed by the competent authority. The action, therefore, cannot be faulted on the ground of want of jurisdiction.

14. This Court also finds no reason to interfere with the quantum of punishment. The penalty imposed is merely stoppage of one annual increment with cumulative effect. It cannot be said to be so disproportionate to the proved misconduct as to shock the conscience of the Court. It is well settled that judicial review extends to the decision-making process and not to the merits of the decision itself, unless the punishment is outrageously disproportionate or arbitrary, which is not the case here.

Conclusion

15. In view of the aforesaid discussion, this Court is satisfied that the disciplinary proceedings were conducted in accordance with law, the findings recorded by the Enquiry Officer are supported by evidence, the competent authority has passed the punishment order after following the prescribed procedure, and no violation of statutory provisions or principles of natural justice has been established. Consequently, no ground for interference under Articles 226

and 227 of the Constitution of India is made out. The writ petitions, being devoid of merit, are accordingly dismissed.

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

07.07.2026

Sham

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No

(SANDEEP MOUDGIL)
JUDGE