



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

104

CWP-15990-2026

Date of Decision : 03.08.2026

Kuldeep Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Sameer Sachdeva, Advocate for the petitioner.

Mr. Rohit Ahuja, D.A.G., Punjab.

NAMIT KUMAR, J.

1. The petitioner has invoked the writ jurisdiction of this Court by filing the instant petition under Articles 226/227 of the Constitution of India seeking a writ of certiorari for quashing the order dated 29.11.2021 (Annexure P-3), passed by respondent No.3, whereby five years approved service of the petitioner for annual increments has been forfeited with permanent effect (wrongly mentioned in the head note as 'five years approved service of the petitioner has been forfeited with cumulative effect') and the period the petitioner remained out of service has been ordered to be treated as 'no work no pay'. Further, for quashing of order dated 27.11.2025 (Annexure P-5), passed by respondent No.2, whereby the revision filed by the petitioner against the order dated 29.11.2021 has been dismissed.

2. Briefly stated, the facts of the case, as have been pleaded in the petition, are that the petitioner joined the Punjab Police as Constable

**CWP-15990-2026****2**

in the year 1989. In the year 2005, he was promoted as Head Constable and subsequently, in the year 2018, to the post of Assistant Sub Inspector (LR). While the petitioner was posted as Head Constable/Head Clerk at Police Station Ajitwal, District Moga, one Arshdeep Singh Gill had managed to obtain an Indian Passport due to negligence of police officials in reporting his criminal history in the police verification report for issuance of passport and Police Clearance Certificate (PCC). During inquiry, it was found that Arshdeep Singh Gill had applied for a passport to RPO Office, Jalandhar and verification was marked to the Police Station Ajitwal, District Moga. The verification of the passport was conducted by former ASI (Local Rank) Lakhvir Singh who visited the village of Arshdeep Singh Gill and got recorded the statements of Harpreet Singh Gill and Manpreet Singh, both residents of Village Dala i.e. the village of Arshdeep Singh Gill and thereafter, submitted his verification report dated 06.08.2017 certifying that Arshdeep Singh Gill was not associated with any terrorist or separatist organization, whereas there were three cases registered against him. Further, it was found that ASI Lakhvir Singh had not made any inquiry from the respectables of the village i.e. Sarpanch, Member Panchayat and Numberdar. Thereafter, ASI Kuldeep Singh (present petitioner), who was then Head Constable/Head Clerk at Police Station Ajitwal, while recording the verification did not mention about the registration of cases against Arshdeep Singh Gill, despite the information having already been furnished in that regard by the concerned police station in Form No.12 to Police Station Ajitwal and entries in that regard had been made in Register No.9(3) at the Police Station. Pursuant to the said

**CWP-15990-2026****3**

verification, passport No.R3469354 dated 01.09.2017 was issued to Arshdeep Singh Gill. On the basis of said allegations, charge-sheet (Annexure P-1) was issued to the petitioner and after holding a regular departmental inquiry, wherein the charges were duly proved against the petitioner, he was dismissed from service, vide order dated 10.09.2021 (Annexure P-2). Aggrieved against the said order, the petitioner preferred an appeal before the Deputy Inspector General of Police which was partly accepted, vide order dated 29.11.2021 (Annexure P-3), and the punishment of dismissal was modified to forfeiture of 05 years of approved service for annual increments with permanent effect. Further, the petitioner was ordered to be reinstated in service and the period he remained out of service was to be treated as 'no work no pay'. Subsequently, FIR No.69 dated 25.06.2022 under Sections 420, 467 & 468 of Indian Penal Code, 1860 and Sections 10(3)(b) & 10(3)(e) of Passport Act, 1967 was registered at Police Station Mehna against the petitioner; Head Constable Jarnail Singh, No.272/Moga; ASI Lakhvir Singh, No.654/Moga; and Head Constable Harjinder Singh, No.858/Moga which was tried by the learned Judicial Magistrate First Class, Moga and all the accused were acquitted, vide judgment dated 12.04.2024 (Annexure P-4). However, a finding was recorded that they were negligent in discharge of their official duties. Thereafter, the petitioner filed revision petition dated 11.10.2024 before the Director General of Police, Punjab, Chandigarh against the order dated 29.11.2021 (Annexure P-3), which was considered and rejected by the Revisional Authority, vide order dated 27.11.2025 (Annexure P-5). Hence, the instant petition.



CWP-15990-2026

4

3. Learned counsel for the petitioner submits that punishment of forfeiture of 05 years approved service with permanent effect is shockingly harsh, excessive and grossly disproportionate to the nature of allegations levelled against the petitioner. He further submits that the other employees, who were also tried along with the petitioner in the departmental inquiry and in the criminal case have been exonerated in the disciplinary proceedings and the action of the respondents awarding the punishment to the petitioner is discriminatory. He further submits that once the petitioner has been acquitted in the criminal case, wherein also same allegations were levelled, therefore, the punishment awarded to the petitioner is liable to be set aside in terms of Rule 16.3(1) of the Punjab Police Rules, 1934 (for short ‘PPR’).

4. On receipt of advance copy of the petition, learned State counsel has put in appearance and submits that the petitioner has made mis-statement of facts in the petition as firstly, the punishment of forfeiture of five years of approved service for annual increments with permanent effect has been awarded to the petitioner and not forfeiture of 05 years approved service with permanent effect and secondly, the other employees tried along with the petitioner have not been exonerated in the disciplinary proceedings and have been awarded the following punishments :-

Name, Rank and Belt No.	Order of Punishment	Order passed by the Appellate Authority
HC/P Lakhvir Singh, No.654/Moga	02 years service forfeited for permanent basis for increments	Appeal rejected.



CWP-15990-2026

5

HC/P Harjinder Singh, No.858/Moga	05 years service forfeited for permanent basis for increments	01 year service forfeited for temporary basis for increments
HC/P Jarnail Singh, No.777/Moga	05 years service forfeited for permanent basis for increments	02 year service forfeited for temporary basis for increments

5. He further submits that the petitioner has intentionally not attached copy of revision petition preferred before the Revisional Authority nor has mentioned the date of filing the revision in the instant petition as the same was preferred by the petitioner on 11.10.2024 i.e. after about 03 years from the date of passing of order dated 29.11.2021 (Annexure P-3) by the Appellate Authority, whereby the punishment of dismissal awarded by the Punishing Authority was modified. Therefore, the instant petition deserves to be dismissed.

6. I have heard learned counsel for the parties and perused the relevant documents.

7. The facts are not in dispute that while the petitioner was working as Head Constable/Head Clerk, he was issued a charge-sheet (Annexure P-1), wherein serious allegations were levelled against the petitioner with regard to issuance of a passport to 'A' category gangster, namely Arshdeep Singh Gill, on the basis of a fabricated report submitted by the petitioner and other police officials. Further, after issuance of passport to Arshdeep Singh Gill, it has come on record that he was involved in the following FIRs :-

1. *FIR No.228 dated 18.12.2015 under Sections 382/34 IPC, Police Station Nathana, District Bathinda.*
2. *FIR No. 04 dated 12.01.2016 under Sections 307, 148, 149 IPC, Police Station Tallewala, District Barnala.*



CWP-15990-2026

6

3. *FIR No. 10 dated 12.01.2016 under Section 392 IPC, Police Station Nihal Singh Wala, District Moga.*
 4. *FIR No. 26 dated 12.03.2020 under Section 229-A IPC, Police Station Tallewal, District Barnala.*
 5. *FIR No. 122 dated 14.07.2020 under Sections 302, 34 IPC and Sections 25/54/59 Arms Act, Police Station Mehna, District Moga.*
 6. *FIR No. 163 dated 20.11.2020 under Sections 302, 307, 34 IPC, Sections 25/54/59 Arms Act, Section 120-B IPC and Sections 10, 11, 16, 13-B of the UAPA Act, Police Station Sadar Bathinda, District Bathinda.*
 7. *FIR No. 03 dated 13.01.2021 under Sections 22-C, 61, 85 NDPS Act, Sections 25/54/59 Arms Act and Sections 387, 115, 120-B IPC, Police Station Mehna, District Moga.*
 8. *FIR No. 28 dated 31.01.2021 under Sections 307, 34 IPC, Sections 25/54/59 Arms Act and Sections 10, 11, 13 UAPA Act, Police Station Phillaur, District Kapurthala.*
 9. *FIR No. 09 dated 09.02.2021 under Sections 307, 387, 34 IPC and Sections 25, 27/54/59 Arms Act, Police Station Mehna, District Moga.*
 10. *FIR No. 23 dated 31.03.2021 under Sections 109, 116, 386 IPC and Sections 25(7)/54/59 Arms Act, Police Station Mehna, District Moga.*
 11. *FIR No. 38 dated 22.05.2021 under Sections 22-C/61/85 NDPS Act, Sections 25(6), 25(7)/54/59 Arms Act, Sections 386, 387, 397, 400 IPC, Section 115 IPC and Sections 10, 11, 16, 18(B) of the Unlawful Activities (Prevention) Act, 1967.*
 12. *FIR No. 62 dated 25.05.2021 under Sections 302, 201, 34 IPC, Police Station Baghapurana, District Moga.*
 13. *FIR No. 144 dated 28.08.2021 under Sections 384, 386, 120-B, 506 IPC and Sections 25/54/59 Arms Act, Police Station City-1, District Moga.*
8. On the basis of passport issued to Arshdeep Singh Gill, he went to Canada, where he is still continuously operating his criminal



CWP-15990-2026

7

network along with his associates and indulging in extortion, murders, robberies and snatching incidents. The said facts have been recorded in the punishment order dated 10.09.2021 (Annexure P-5) and concluding para of the same reads as under :-

“The aforesaid Arshdeep Singh Dala, while residing in Canada, is still continuously operating his criminal network and, through his associates, is allegedly indulging in extortion, murders, robberies and snatching incidents. Due to the irresponsibility and negligence of the said SI/Local Rank, despite the fact that FIR No.228 dated 18.12.2015 under Sections 382/34 IPC at Police Station Nathana, District Bathinda, FIR No. 10 dated 12.01.2016 under Section 392 IPC at Police Station Nihal Singh Wala, District Moga, and FIR No. 04 dated 12.01.2016 under Sections 307, 148, 149 IPC at Police Station Tallewal, District Barnala, were duly reflected in the police station record, Arshdeep Singh Dala succeeded in obtaining a passport and thereafter proceeded to Canada. Such negligence has tarnished the image of the Police Department and has raised serious questions regarding the discharge of official duties by the department, which cannot be tolerated at any cost. Therefore, I am of the considered opinion that the punishment proposed in the notice is commensurate with the gravity of the charges proved against the said SI/Local Rank. Accordingly, under Rule 16.2(1) of the Punjab Police Rules (PPR), I hereby order the dismissal of SI/Local Rank Kuldeep Singh No.230/Moga from service in the Police Department with immediate effect. A copy of this order be supplied to him free of cost.”

9. Thereafter, the dismissal order of the petitioner had been modified to forfeiture of five years of approved service for annual increments with permanent effect, vide order dated 29.11.2021 (Annexure P-3). The said order dated 29.11.2021 became final and the petitioner did not prefer any revision petition against the said order nor had challenged the same before any competent Court of jurisdiction.



CWP-15990-2026

8

However, it was only after his acquittal in the criminal case, vide judgment dated 12.04.2024 (Annexure P-4), the petitioner preferred a revision petition before the Director General of Police on 11.10.2024 which has been considered and rejected, vide order dated 27.11.2025 (Annexure P-5).

10. 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.

11. The Hon'ble Supreme Court in ***Union of India and others 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 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. 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. Niranjana 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 *Niranjana 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 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-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...."

12. 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**."

13. 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 reappreciate 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."

14. 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.***

15. Applying the principles laid down in the aforesaid judgments to the facts of the present case, this Court finds that due to the negligence of the petitioner and other police officials, a person against whom 13 FIRs had been registered in the State of Punjab was able to obtain a passport and went abroad (Canada) and even while

**CWP-15990-2026****17**

residing in Canada, he has allegedly continued to operate his criminal network and engage in criminal activities. In these circumstances, no procedural infirmity or perversity in findings of the Punishing/Appellate/Revisional authority has been demonstrated so as to warrant interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

16. Further, the petitioner has made various mis-statements of facts in the petition. Firstly, it has been stated in the petition that the order of dismissal was modified to forfeiture of 05 years approved service with cumulative effect, whereas it was modified to forfeiture of five years of approved service for annual increments with permanent effect. The said punishment has been awarded to the petitioner in terms of Rule 16.5(2) of the PPR which reads as under :-

“16.5(2) Approved service for increment may be forfeited, either temporarily or permanently, and such forfeiture may entail the deferment of an increment or increments or a reduction in pay. The order must state whether the forfeiture of approved service is to be permanent; or, if not, the period for which it has been forfeited.”

17. It has also been stated in the petition and argued that the other employees, namely HC/P Lakhvir Singh, No.654/Moga; HC/P Harjinder Singh, No.858/Moga; and HC/P Jarnail Singh, No.777/Moga, have been exonerated and only the petitioner has been awarded the punishment of dismissal which has been converted into forfeiture of 05 years approved service with cumulative effect, whereas the other employees have also been awarded suitable punishment(s) keeping in view the allegations levelled against them in the charge-sheet issued to



CWP-15990-2026

18

them. Further, the petitioner has chosen not to attach a copy of revision petition filed before the Revisional Authority nor he has mentioned in the petition as to when the same was preferred. Instead to make out a case that there is no delay on his part, and it has been stated in the petition that the petitioner has preferred a statutory revision before the Revisional Authority which has been rejected on 27.11.2025 and thereafter, the instant petition has been filed, whereas the revision petition has been preferred by the petitioner on 11.10.2024 after a period of about 03 years from the date of passing of the appellate order dated 29.11.2021 (Annexure P-3). Therefore, it is clear that there is a considerable delay in approaching the Revisional Authority on the part of the petitioner. Such concealment of material facts strikes at the very root of the petitioner's claim and disentitles him from invoking the writ jurisdiction of this Court. The Hon'ble Supreme Court in ***M/s Prestige Lights Limited Vs. State Bank of India : 2007 (8) SCC 449*** has held that if an applicant suppresses material facts or presents distorted, misleading, or false facts before the Court, the Writ Court may decline to entertain the writ petition and dismiss it at the threshold, without examining the merits of the case. The relevant para of the said judgment reads as under :-

“32. It is thus clear that though the appellant- Company had approached the High Court under Article 226 of the Constitution, it had not candidly stated all the facts to the Court. The High Court is exercising discretionary and extraordinary jurisdiction under Article 226 of the Constitution. Over and above, a Court of Law is also a Court of Equity. It is, therefore, of utmost necessity that when a party approaches a High Court, he must place all the facts before the Court without any reservation. If there



is suppression of material facts on the part of the applicant or twisted facts have been placed before the Court, the Writ Court may refuse to entertain the petition and dismiss it without entering into merits of the matter.”

18. It is a well settled proposition of law that a person, who does not approach the Court with clean hands and plays fraud with the Court, is not entitled for any relief. Any concealment, suppression, or misrepresentation of such facts amounts to an abuse of the process of law and vitiates the very foundation of the relief claimed. The Court, being a forum of equity as well as justice, does not extend its discretionary or extraordinary jurisdiction to a party who has not come with clean hands. Suppression of material facts not only undermines the administration of justice, but also disentitles the litigant from any equitable relief, irrespective of the merits of the case. The obligation to approach the Court with utmost candour and bona fides is not a mere formality, but a substantive requirement of law. Reference in this regard can be made to the judgments in ***Sajjan Singh Vs. State of Haryana and others : 1995 (4) SCT 799; Jiwan Dass Sethi Vs. State of Punjab : 1999 (3) SCT 115*** and ***Lehna Singh Vs. The Haryana State : 2026 NCPHHC 18298***.

19. So far as the contention raised by learned counsel for the petitioner that since the petitioner has been acquitted in the criminal case, therefore, the punishment awarded to the petitioner was required to be set aside by the Revisional Authority in terms of Rule 16.3(1) of the PPR is concerned, the same deserves to be rejected. Rule 16.3 of Punjab Police Rules, 1934 reads as under :-

“16.3. Action following on a judicial acquittal. - (1) When



a Police Officer has been tried and acquitted by a criminal court he shall not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not, unless -

- (a) the criminal charge has failed on technical grounds; or*
- (b) in the opinion of the Court or of the Superintendent of Police, the prosecution witnesses have been won over; or*
- (c) the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or*
- (d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court which justify departmental proceedings on a different charge; or*
- (e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available.*

(2) Departmental proceedings admissible under sub-rule (1) may be instituted against Lower Subordinates by the order of the Superintendent of Police but may be taken against Upper Subordinates only with the sanction of Deputy Inspector-General of Police, and a police officer against whom such action is admissible shall not be deemed to have been honorably acquitted for the purpose of rule 7.3 of the Civil Services Rules (Punjab), Volume I, Part I.

The abovesaid rule provides that when a police officer has been tried and acquitted by a criminal Court he shall be not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case whether actually led or not, unless the criminal charge has failed on technical grounds; or in the opinion of the Court or of the Superintendent of Police, the prosecution witnesses have been won over; or the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or the evidence cited in the criminal case discloses

**CWP-15990-2026****21**

facts unconnected with the charge before the court which justify departmental proceedings on a different charge; and the additional evidence admissible under rule 16.25(1) in departmental proceedings is available. However, in the present case, the petitioner cannot take benefit of the said provision for the simple reason that departmental proceedings in the present case stood concluded when punishment of dismissal was awarded to the petitioner, vide order dated 10.09.2021 (Annexure P-2), which was subsequently modified, vide order dated 29.11.2021 (Annexure P-3), by the Appellate Authority. The petitioner came to be acquitted in the criminal case only thereafter. Thus, the departmental proceedings were not initiated pursuant to the acquittal, nor was the punishment imposed after the acquittal so as to attract the embargo contained in Rule 16.3(1). The subsequent acquittal cannot by itself reopen disciplinary proceedings that had already attained finality in accordance with law. Reliance in this regard can be placed upon ***State Bank of Bikaner & Jaipur Vs. Nemi Chand Nalwaya : 2011(4) SCC 584***, wherein the Hon'ble Supreme Court has observed that a subsequent acquittal by a criminal court, particularly when based on the benefit of doubt does not invalidate or affect the findings of guilt recorded in departmental proceedings, nor does it nullify the punishment imposed pursuant thereto. This is because the standard of proof in criminal proceedings differs significantly from that in departmental enquiries. Consequently, the same set of charges and evidence may result in different outcomes-namely a finding of guilt in departmental proceedings and an acquittal in criminal proceedings. This distinction is especially relevant where departmental proceedings are conducted



CWP-15990-2026

22

closer in time to the incident compared to criminal trials. The Court further clarified that findings recorded by a criminal court have no bearing on a departmental enquiry that has already attained finality. An employee who does not challenge the findings and punishment imposed in such enquiry cannot, after a lapse of several years, seek to reopen the matter on the ground of a subsequent acquittal in criminal proceedings.

20. To the similar effect is the judgment passed by this Court in ***Davinder Singh and State of Punjab and others : 2026 NCPHHC 21572***, wherein the applicability of Rule 16.25(1) of the Punjab Police Rules 1934 has been elaborately explained. The operative part of the said judgement is reproduced herein below:-

"12. The service of petitioner was governed by PPR. As per Rule 16.25 of PPR, the standard of proof necessary to establish charges is satisfaction of Inquiry Officer. The Inquiry Officer is not required to prove guilt beyond reasonable doubt. As per afore-cited judgments, standard of proof in departmental proceedings is preponderance of probabilities. In case of police official, Rule itself is providing that satisfaction of Inquiry Officer is necessary to establish charge. There is no need to establish guilt beyond reasonable doubt.

13. In the case in hand, the sole ground to challenge findings of Departmental Authorities is acquittal in criminal case. In view of Rule 16.25 of PPR, if criminal proceedings are initiated besides departmental proceedings, the outcome of departmental proceedings on account of the fact that both proceedings are adjudicated applying different yardstick, cannot be ignored or brushed aside on account of dropping of criminal proceedings. In the departmental proceedings, the department is not bound to prove its case beyond the reasonable doubt because findings depend upon preponderance of probabilities. The Trial Court examined the same evidence as discussed and relied upon in departmental inquiry, however, returned its findings in view of the fact that prosecution was bound to prove its case beyond reasonable doubt. The departmental



authorities, in the present case, have duly considered the evidence and passed the impugned punishment order. The petitioner was found positive in dope test which establishes his act and conduct.

14. In the wake of above discussion and findings, this Court is of the considered opinion that petition deserves to be dismissed and accordingly dismissed."

21. Keeping in view the aforesaid facts and circumstances and the settled law, this Court is of the considered view that the petitioner has failed to establish any ground warranting interference under Article 226 of the Constitution of India. The finding recorded by the disciplinary authorities are based upon evidence and do not suffer from any perversity or procedural irregularity. The plea founded on the subsequent acquittal is misconceived, while the suppression of material facts and unexplained delay in approaching the revisional authority further disentitles the petitioner to the relief sought. Thus, the instant petition, being devoid of merit is hereby dismissed, with costs of Rs.50,000/- to be deposited with High Court Lawyers Welfare Fund within a period of one month from today failing which, the Deputy Commissioner, Moga, is directed to recover the same as arrears of land revenue.

03.08.2026
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No