

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17515 of 2013

Chitranshan Singh S/O Shri Tarni Prasad Singh Resident Of Village- Shahpur,
P.S.- Sonpur, Dist.- Saran, Bihar

... .. Petitioner/s

Versus

1. The Union Of India and Ors Government Of India, New Delhi
2. The Chairman-Cum-Managing Director, Powergrid Corporation Of India Ltd., Saudamini, Plot No. 2, Sector- 29, Gurgaon- 122001, Hariyana
3. The Director Personnel, Powergrid Corporation Of India Ltd., Saudamini, Plot No. 2, Sector- 29, Gurgaon- 122001, Hariyana
4. The Executive Director, Er-1, Powergrid Corporation Of India Ltd, 5th Floor, Alankar Palace, Boring Road, Patna
5. The Dy. General Manager Hr, Powergrid Corporation Of India Ltd., 5th Floor, Alankar Palace, Boring Road, Patna
6. The Chief Manager Hr Powergrid Corporation Of India Ltd. 5th Floor, Alankar Palace, Boring Road, Patna
7. The Dy. General Manager Hr, Powergrid Corporation Of India Ltd., 5th Floor, Alankar Palace, Boring Road, Patna
8. Vigilance Officer, Powergrid Corporation Of India Ltd., 5th Floor, Alankar Palace, Boring Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Shiv Partap, Advocate Ms. Priya Kumari, Advocate Mr. Pushkar Parshant, Advocate
For the Respondent/s	:	Mr. J.P. Singh, Sr. Advocate Mr. Arbind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
CAV JUDGMENT

Date : 27-10-2026

Heard the learned Senior Counsel for the petitioner
and the learned Senior Counsel for the Respondents.

2. The present writ petition has been filed for the
following reliefs:-

*“For that a writ in the nature of certiorari
may be issued quashing the order dt.*



04/08.11.2011 vide C.C. Vig. 5.2010:2/2932 passed by Director (Personnel) Power grid Corporation of India Ltd. imposing a major penalty of 'removal from service' on the petitioner and further for quashing the order dt. 13.04.2012/30.04.2012 vide CC Vig.:2:2012: 2615 passed by the Chairman and Managing Director, Appellate Authority, Power Grid Corporation of India Ltd. confirming the order dt. 04/08.11.2011 of the Disciplinary Authority imposing major penalty of removal from service.

ii. For that appropriate writ or writs in the nature of certiorari may be issued quashing the ex parte enquiry report submitted without consideration of petitioner's representations and defense and only having been based on the management brief and its dictate.

iii. For that a writ in the nature of mandamus may be issued commanding the respondent authorities/corporation to reinstate the petitioner in his service with all consequential relief/benefits.

iv. For that any other relief/reliefs may be granted to which the petitioner may be found entitled in law.

BRIEF FACTS

3. The brief facts which are essential for adjudication



of the present writ petition are that the petitioner was appointed in the National Thermal Power Corporation (NTPC) as an Attendant in 1985. He was then appointed as a Junior Assistant (Admn.) w.e.f. 13.02.1991, after approval by the competent authority vide reference no.4900/ER&ERTL/P&A/47019/1614 dated 06.03.1991 and immediately thereafter vide letter no.02 dated 07.08.1991, the services of the petitioner was absorbed with continuity in the N.T.P.C. w.e.f. 16.08.1991. The Power Grid Corporation of India was bifurcated from N.T.P.C. and the services of the petitioner was allocated to the Power Grid Corporation of India Limited (PGCIL) from 1991 itself. On 25.09.2007, the petitioner was posted as Junior Supervisor at the Regional Headquarter of the PGCIL at Patna and in the same year, he was elected as the General Secretary of the Employees Union of the PGCIL. When the corporation was not taking any action for recognizing the elected members of the PGCIL Employees Union, in terms of the Industrial Disputes Act, 1947, the petitioner on 09.04.2007 submitted an application before the Regional Labour Commissioner, Central, Maurya Lok Complex, Patna for declaring the elected members of the Corporation as protected employees. Pursuant to the letter dated 09.04.2007 submitted by the petitioner, the Regional Labour Commissioner,



Central, Patna vide his letter no.2/15/07-RLC dated 09.07.2007 informed the General Manager of the PGCIL that the petitioner and two other employees be declared as protected workmen. It is the case of petitioner that vide letter no.12 dated 22.12.2009 issued under signature of the Deputy General Manager (HR) PGCIL, Eastern Region-I, Patna. The petitioner was transferred from the Patna Headquarter to Purnia and it was further mentioned that w.e.f. 29.12.2009 (A/N), the petitioner shall stand released from Patna Headquarter for joining at Purnia. It is case of the petitioner that the order of transfer from Patna to Purnia was in sheer violation of Section 9A and 33 of the Industrial Disputes Act, 1947 and Rule 61 (4) of the ID Central Rules, 1957, which provided protection to the petitioner against transfer. The petitioner submitted an application before the Regional Labour Commissioner, Central, Patna, against the order of transfer dated 22.12.2009. Apart from his transfer, the petitioner also prayed for action against the illegal stoppage of payment of subscription to the Power Grid Karamchari Sangh (P.G.K.S.). The Regional Labour Commissioner proceeded to stay both the orders vide order dated 29.12.2009. The Regional Labour Commissioner (RLC) by the said order dated 29.12.2009, proceeded to cancel the transfer order and the



authorities of the Corporation were directed to pay the subscription to the members of the P.G.K.S. Vide letter dated 06.01.2010 issued under the signature of the Deputy General Manager (HR), PGCIL, Patna addressed to the RLC (Central), Patna. It was informed that the petitioner has been transferred on the recommendation of the Vigilance Department, on account of the charges of misconduct found against him and the case is under advance stage and further the charge-sheet is likely to be issued shortly, therefore, there is no question of any vindictive transfer. The stand of the PGCIL was rejected by the R.L.C. (Central), Patna on the ground that till 29.12.2009 the said stand was not brought to the notice of the RLC and the date was fixed for reconciliation on 19.03.2010. The reference was pending for consideration before the R.L.C., however, in the meanwhile, vide office memo dated 09.02.2010, the petitioner was informed with regard to recording of his statement with regard to the written complaint against him for various charges, including submission of false T.A. bills. When the petitioner did not appear before the authorities concerned of the Corporation, then again vide letter dated 15.02.2010, the petitioner was informed to appear before the Vigilance Department of the Corporation on 18.02.2010 for recording of his statement. The petitioner



submitted his reply before the Vigilance Officer of the Corporation on 18.02.2010, wherein he stated that the intention of the management is to harass him with inflicting mental torture by effecting his transfer from Patna to Purnia, without any reason and therefore, he is ready to face the proceeding. Finally, vide letter dated 23.04.2010 issued under the signature of the D.G.M. (HR), Eastern Region-I, Patna a memo of charge was issued to the petitioner, along with the list of documents and the list of witnesses, for certain charges. The Enquiry Officer and the Presenting Officer were also appointed. The petitioner requested the Enquiry Officer to supply the documents, which are the basis of the enquiry, however, no such document or the anonymous complaint, which was the basis of the initiation of proceeding against the petitioner was supplied. It was informed to the petitioner by the Enquiry Officer that the relevant documents would be provided to the petitioner by the management. The petitioner vide his letter dated 09.08.2010 addressed to the Executive Director, PGCIL, Eastern Region-1, Patna requested him to supply the copy of the anonymous complaint and to permit him to engage a defense assistant, to enable him to prepare his defense and to disprove the charges. The request made by the petitioner to provide the anonymous



complaint was rejected by the concerned authority and therefore, the petitioner again submitted a representation before the enquiry authority with a request to drop the enquiry on the ground that the constitution of the enquiry which does not carry any allegation supported by evidence. He further requested to provide the documents provided by the management to the Enquiry Officer for holding enquiry, for giving proper reply and to give him an opportunity to narrate all the facts before the Enquiry Officer for his consideration. Since the petitioner was not submitting his reply, the Enquiry Officer submitted his report before the disciplinary authority on 29.03.2011 wherein he went on to prove the charge nos.1 to 9 and charge no.10 was found to be not proved. Vide letter no.109 dated 05.04.2011 issued under the signature of the competent authority, the petitioner was issued notice for submitting his reply within 15 days and along with the said letter dated 05.04.2011. The enquiry report was also provided to the petitioner. In compliance of the letter dated 05.04.2011 issued by the disciplinary authority, the petitioner vide his letter dated 29.04.2011 submitted his reply wherein he denied the charges levelled against him and requested the disciplinary authority to reject the findings given by the Enquiry Officer and to exonerate him from



the charge levelled against him. Finally, vide order contained in letter no.2932 dated 4/08.11.2011 issued under the signature of the Director (Personnel) PGCIL, the petitioner was inflicted with a major penalty of removal from service and accordingly he was removed from service.

4. The petitioner being aggrieved with the impugned order of punishment dated 4/08.11.2011 filed his appeal before the Chairman-cum-Managing Director, PGCIL, wherein he again reiterated his request, which was made before the Enquiry Officer as well as the disciplinary authority. The appellate authority vide his order contained in letter no.615 dated 13/30.04.2012 proceeded to confirm the order of removal from service, passed by the disciplinary authority. A memo of charge dated 05.05.2011 with Article of charges were also issued to the petitioner for similar allegations and 2nd departmental proceeding was initiated against him on the same charges. After dismissal of his appeal on 13/30.04.2012, the petitioner against submitted a representation before the Chairman and Managing Director, PGCIL on 21.09.2012, however the same was not considered. The petitioner being aggrieved with the order of the disciplinary authority as well as the appellate authority filed a writ petition before this Hon'ble Court which was numbered as



CWJC No.14721 of 2013. The writ petition filed by the petitioner was heard by an Hon'ble Single Judge of this Hon'ble Court and vide order dated 01.08.2013, the writ petition was permitted to be withdrawn with a liberty to file a fresh writ petition for the same relief, since several mistakes occurred, while filing the writ petition and it was difficult to make correction in the same. In terms of the opportunity given by this Hon'ble Court on 01.08.2013, the petitioner has filed the present writ petition.

SUBMISSIN ON BEHALF OF THE PETITIONER

5. The learned Senior counsel for the petitioner submits that the order passed by the disciplinary authority as well as the appellate authority are cryptic and not a speaking order. The appellate authority acts as a quasi-judicial body and it is his legal obligation to demonstrate an independent application of mind to the facts and evidence of the case. In the present case, a cryptic, one line or perfunctory order has been passed, which is merely a mechanical clone or affirms the disciplinary authority's decision without reasoning violates the principles of natural justice and is liable to be set aside. He submits that unless reasons are disclosed, how can a person know whether the authority has applied its mind or not. He also submits that



giving reasons minimizes the chances of arbitrariness, therefore, it is an essential requirement of the rule of law that some reasons, at least in brief, must be disclosed in a judicial or quasi-judicial order, if it is an order of affirmation.

6. The learned Senior Counsel for the petitioner refers to and relies on a Judgement of the Hon'ble Supreme Court of India reported in 1990 (4) SCC 594 (**S.N. Mukherjee Vs. Union of India**) wherein in paragraph no.36 it has been held as follows:-

“36. Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance. These considerations show that the recording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision-making. The said purpose would apply equally to all decisions and its application cannot be



confined to decisions which are subject to appeal, revision or judicial review. In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review. It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a court of law. The extent and nature of the reasons would depend on particular facts and circumstances. What is necessary is that the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage. The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge.”

7. The learned Senior counsel for the petitioner further refers to and relies upon a Judgement of the Hon’ble Supreme Court of India reported in 2008 (3) SCC 469 **(Divisional Forest Officer, Kothagudem and Ors. V/S**



Madhusudhan Rao) wherein it has been held that the Appellate Authority is required to give at least some reasons for rejecting an appeal preferred by a public servant, who had been guilty in a departmental enquiry and in paragraph no.20 has proceeded to held as follows:-

“20. It is no doubt also true that an appellate or revisional authority is not required to give detailed reasons for agreeing and confirming an order passed by the lower forum but, in our view, in the interests of justice, the delinquent officer is entitled to know at least the mind of the appellate or revisional authority in dismissing his appeal and/or revision. It is true that no detailed reasons are required to be given, but some brief reasons should be indicated even in an order affirming the views of the lower forum.

8. The learned Senior counsel for the petitioner submits that despite repeated requests made by the petitioner during course of the disciplinary proceeding, several documents of substantial relevance were withheld. The petitioner had specifically prayed for supply of listed documents, yet the same were not furnished to him. A request was also made seeking additional records, necessary for an effective defense, however, the same was also not provided. He submits that such



withholding of material documents impaired his ability to meet the allegations levelled against him and thereby struck at the foundation of a fair enquiry. The refusal to supply the requisite records displayed a discernible predisposition against the delinquent employees.

9. The learned Senior counsel for the petitioner next submits that the petitioner's dismissal was purely on the ground of written complaint received against him, however, the respondents never provided the copy of the complaint as well as the name of the complainant. The petitioner repeatedly requested the respondents to provide the same, however, the request was not acceded by the respondents and in the enquiry report, it has been stated that the enquiry authority ruled that charged officer should approach the disciplinary authority for obtaining the name of the complainant.

10. The learned Senior counsel for the petitioner refers to and relies upon a Judgement of the Hon'ble Supreme Court of India reported in **2025 INSC 554 (Maharana Pratap Singh vs. The State of Bihar & Ors.)**, wherein in paragraph no.43 it has been held as follows:-

“43. At this juncture, it is imperative to further underline that the chargesheet against the appellant was issued based on



the written complaint of the informant. Law is again clear to the effect that mere production of a document does not constitute proof. If chargesheet is issued on the basis of a written complaint, the author/complainant has to be produced. The decision of this Court in Bareilly Electricity Supply Co. Ltd. vs. Workmen & Ors. is an authority for this proposition. Notably, in the instant case, the informant/complainant had not been examined. This, we hold is one other glaring error in the decision-making process.”

11. The learned Senior counsel for the petitioner finally submits that the petitioner was also not allowed to appoint a defense assistant of his choice and his nomination was rejected on the ground that his defense assistant was a retired government employee, while the service rules nowhere provided that the defense assistant should be a serving person only and further under department of Personal and Training OM No.11012/11/2002-est. (A) dated 05.02.2003, a retired government servant is also allowed to serve as a defense counsel/assistant with some conditions.

12. The learned Senior counsel for the petitioner, to conclude his arguments submits that the petitioner was not afforded reasonable opportunities as per Article 311 of the



Constitution of India to defend himself and the allegation of producing fake travel bills for the period of 2004-2009 was never brought to the notice of the petitioner. He was never afforded any opportunity to cross-examine the hotel staffs, who deposed before the Enquiry Officer, regarding non-issuance of the bill as produced by the petitioner, since no notice was sent to the petitioner for appearing before the Enquiry Officer.

SUBMISSIONS ON BEHALF OF RESPONDENTS PGCIL

13. Per Contra, the learned Senior counsel appearing on behalf of the Power Grid Corporation of India Limited submits that while the petitioner was posted in the Human Resources Department Regional Headquarter at Patna, he submitted bills for official travel to Jamshedpur, Ranchi and other places. During the scrutiny and verification of the T.A. claims for some hotel bills, doubt emerged regarding the genuineness of the bills. Therefore, some of the bills issued by the hotel in Jamshedpur were verified and it came to the notice of the authorities of the Corporation that the same were false. On account of said verification, the authorities of the Corporation were prompted to conduct a detail investigation with regard to the validity of the hotel bills submitted by the petitioner and based on the finding of the investigation, it came to the notice of the authorities that the petitioner had



misappropriated public money and as such exhibited lack of integrity, devotion to duty and acted prejudicially to the interests of the Corporation. The petitioner was found to have violated rules of the Corporation and accordingly charge-sheet was issued on 23.04.2010. A former Assistant General Manager (Vigilance) of the NTPC, who was a neutral person was appointed as the Enquiry Officer and after conducting his detail enquiry, he submitted his enquiry report on 29.03.2011. The charge-sheet, along with all the relevant documents, relied upon in the charge-sheet, were duly served upon the petitioner.

14. The learned Senior counsel for the PGCIL submits that so far, the contention of the petitioner with regard to appointment of a retired public servant as defense Assistant is concerned, the same runs contrary to the CDA Rules of the respondent corporation, specially Clause 25 (6), wherein it has been duly stipulated that only serving public servant may be engaged as defense Assistant by a Charged Officer. He submits that so far, the engagement of a retired public servant as the Enquiry Officer is concerned, the same is in terms of Clause 25 (4) of the CDA Rules of the corporation, which allowed for engagement of a retired public servant. He submits that a delinquent officer cannot claim to be represented by an agent of



his choice, as a matter of right and the same can be circumscribed by the rules of the employer.

15. To support his contention above referred, the learned Senior counsel for the PGCIL refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 2022 (3) SCC 44 (**Rajasthan Marudhara Gramin Bank (RMGB) & Anr. Vs. Ramesh Chandra Meena & Anr**), wherein in paragraph nos.16, 17 and 22 it has been held as under:-

“16. While considering the aforesaid issue, few decisions of this Court on the right of the employee to make representation in the departmental proceedings are required to be referred to:

16.1. In Kalindi [N. Kalindi v. Tata Locomotive & Engg. Co. Ltd., AIR 1960 SC 914 : (1960) 3 SCR 407] , it is observed and held that ordinarily in inquiries before domestic tribunals the person accused of any misconduct conducts his own case and therefore, it is not possible to accept the argument that natural justice ex facie demands that in the case of enquiries into a charge-sheet of misconduct against a workman he should be represented by a member of his Union; though of course an employer in his discretion can and may



allow his employee to avail himself of such assistance. The dictum of this decision has been subsequently elucidated.

16.2. In Dunlop Rubber Co. (India) Ltd. v. Workmen [Dunlop Rubber Co. (India) Ltd. v. Workmen, AIR 1965 SC 1392: (1965) 2 SCR 139, after considering its earlier decision in Kalindi [N. Kalindi v. Tata Locomotive & Engg. Co. Ltd., AIR 1960 SC 914: (1960) 3 SCR 407], it is observed and held that there is no per se right to representation in the departmental proceedings through a representative through his own union unless the company by its Standing Order recognized such a right. It is observed that refusal to allow representation by any Union unless the Standing Orders confer that right does not vitiate the proceedings. It is further observed that in holding domestic enquiries, reasonable opportunity should be given to the delinquent employees to meet the charge framed against them and it is desirable that at such an enquiry the employee should be given liberty to represent their case by persons of their choice, if there is no Standing Order against such a course being adopted and if there is nothing otherwise objectionable in the said request. It is further observed that denial of such an opportunity cannot be said to be in violation of principles



of natural justice.

16.3. In Cipla [Cipla Ltd. v. Ripu Daman Bhanot, (1999) 4 SCC 188: 1999 SCC (L&S) 847, it is observed and held as under: (SCC pp. 191-92, para 13)

“13. In *N. Kalindi v. Tata Locomotive & Engg. Co. Ltd.* [*N. Kalindi v. Tata Locomotive & Engg. Co. Ltd.*, AIR 1960 SC 914: (1960) 3 SCR 407] it was held that a workman against whom a departmental enquiry is held by the Management has no right to be represented at such enquiry by an outsider, not even by a representative of his Union though the Management may in its discretion allow the employee to avail of such assistance. So also, in *Dunlop Rubber Co. (India) Ltd. v. Workmen* [*Dunlop Rubber Co. (India) Ltd. v. Workmen*, AIR 1965 SC 1392: (1965) 2 SCR 139], it was laid down that an employee has no right to be represented in the disciplinary proceedings by another person unless the Service Rules specifically provided for the same. A three-Judge Bench of this Court in *Crescent Dyes and Chemicals Ltd. v. Ram Naresh Tripathi* [*Crescent Dyes and Chemicals Ltd. v. Ram Naresh Tripathi*, (1993) 2 SCC 115: 1993 SCC (L&S) 360], laid down that the right to be represented in the departmental proceedings initiated against a delinquent employee can be regulated or restricted by the Management or by the Service Rules. It was held that the right to be



represented by an advocate in the departmental proceedings can be restricted and regulated by statutes or by the Service Rules including the Standing Orders, applicable to the employee concerned. The whole case-law was reviewed by this Court in *Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union* [*Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union*, (1999) 1 SCC 626: 1999 SCC (L&S) 361], and it was held that a delinquent employee has no right to be represented by an advocate in the departmental proceedings and that if a right to be represented by a co-workman is given to him, the departmental proceedings would not be bad only for the reason that the assistance of an advocate was not provided to him.”

16.4. In *Crescent Dyes and Chemicals* [*Crescent Dyes and Chemicals Ltd. v. Ram Naresh Tripathi*, (1993) 2 SCC 115: 1993 SCC (L&S) 360], it is observed and held that in the departmental proceedings right to be represented through counsel or agent can be restricted, controlled or regulated by statute, rules, regulations or Standing Orders. A delinquent has no right to be represented through counsel or agent unless the law specifically confers such a right. The requirement of the rule of natural justice insofar as the delinquent's right of hearing is concerned, cannot and does not extend to



a right to be represented through counsel or agent. In the case before this Court, the delinquent's right to representation was regulated by the Standing Orders which permitted a clerk or a workman working with him in the same department to represent him and said right stood expanded permitting representation through an officer, staff member or a member of the Union, on being authorised by the State Government. Holding that the same is permissible and cannot be said to be in violation of principles of natural justice, it is observed that the object and purpose of such provisions is to ensure that the domestic enquiry is completed with dispatch and is not prolonged endlessly; secondly, when the person defending the delinquent is from the department or establishment in which the delinquent is working he would be well conversant with the working of that department and the relevant rules and would, therefore, be able to render satisfactory service to the delinquent. In the present case also Clause 8 permits representation through serving officials/employee from the Bank.

16.5. A similar view has been expressed by this Court in Bharat Petroleum Corpn. [Bharat Petroleum Corpn. Ltd. v.



Maharashtra General Kamgar Union, (1999) 1 SCC 626: 1999 SCC (L&S) 361] as well as in National Seeds Corpn. [National Seeds Corpn. Ltd. v. K.V. Rama Reddy, (2006) 11 SCC 645: (2007) 1 SCC (L&S) 512].

16.6. In Indian Overseas Bank [Indian Overseas Bank v. Indian Overseas Bank Officers' Assn., (2001) 9 SCC 540 : 2002 SCC (L&S) 1043] , it is observed and held that law does not concede an absolute right of representation to an employee in domestic enquiries as part of his right to be heard and that there is no right to representation by somebody else unless the rules or regulation and Standing Orders, specifically recognise such a right and provide for such representation.

17. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, the respondent employee/respondent delinquent has no absolute right to avail the services by ex-employee of the Bank as his DR in the departmental proceedings. It is true that Regulation 44 puts specific restriction on engagement of a legal practitioner and it provides that for the purpose of an enquiry under the 2010 Regulations, the officer or employee shall not engage a legal



practitioner without prior permission of the competent authority. Therefore, even availing the services of legal practitioner is permissible with the leave of the competent authority. However, the Regulation does not specifically provides that an employee can avail the services of any outsider and/or ex-employee of the Bank as DR. Therefore, the 2010 Regulations neither restricts nor permits availing the services of any outsider and/or ex-employee of the Bank as DR and to that extent the Regulation is silent.

22. For all the aforesaid reasons not permitting the delinquent officer to be represented through ex-employee of the Bank in the departmental enquiry cannot be said to be in any way in breach of principles of natural justice and/or it violates any of the rights of the delinquent officer. As per settled proposition of law and as observed hereinabove, in decisions referred to hereinabove, the only requirement is that delinquent officer must be given fair opportunity to represent his case and that there is no absolute right in his favour to be represented through the agent of his choice. However, at the same time, if the charge is severe and of complex nature, then request to be represented through a counsel can be considered keeping in mind Regulation 44 of



the 2010 Regulations and if in a particular case, the same is denied, that can be ground to challenge the ultimate outcome of the departmental enquiry. However, as a matter of right in each and every case, irrespective of whether charges are severe and of complex nature or not, the employee as a matter of right cannot pray that he may be permitted to represent through the agent of his choice.”

16. The learned Senior counsel for the PGCIL further refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 1997 (6) SCC 380 (**Food Corporation of India Vs. Bant Singh & Anr,**) wherein in paragraph no.4 it has been stated as under:-

“4. A reading thereof would clearly indicate that an employee is entitled to an opportunity to defend himself either in person or through an employee of the Corporation or of the Central Government or the State Government employee, in the departmental enquiry conducted against the delinquent. A legal practitioner is prohibited to appear before the disciplinary authority. Under these circumstances, a direction given by the High Court to allow the respondent to take the assistance of a retired employee, though he is not a legal practitioner who is



prohibited to appear and assist the delinquent, in reality amounts to permitting the retired employee to have regular practice. The High Court has committed an error in giving such a direction.”

17. The learned Senior counsel for the PGCIL next submits that no complaint formed the basis of the charge-sheet issued to the petitioner and since no complaint was cited in the prosecution documents, the supply of such complaint, if any, was held not relevant for the defense of the petitioner by the Enquiry Officer. The petitioner was granted time to obtain such complaint, if any, from the disciplinary authority, notwithstanding that the proceedings were not dependent on any such imaginary anonymous complaint. He submits that the petitioner in his pleadings has not been able to specify as to what the complaint was, if any, which the petitioner has asked for the purposes of his defense and he has also not explained that how the non-supply of the such complaint, if any, prejudiced his case. He submits that there is no such pleading as to how any such complaint, if any, was relevant for the purposes of the charges and the disciplinary proceeding, given the fact that the complaint, if any, was not relied upon by the prosecution and was not a part of the charge-sheet. He submits that a disciplinary proceeding does not stand vitiated simply and solely



because of non-supply of any document.

18. The learned Senior counsel for the PGCIL to support the above-mentioned contentions refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 2011 (2) SCC 316 (**State Bank of India & Ors. Vs. Bidyut Kr. Mitra & Ors.**), wherein in paragraph nos.40, 41 and 43 it has been held as under:-

“40. These observations are of no relevance in the facts and circumstances of the present case. The respondent herein is merely trying to make capital out of his own lapse in not submitting the list of documents in time and also not stating the relevance of the documents required to be produced. By now, the legal position is well settled and defined. It was incumbent on the respondent to plead and prove the prejudice caused by the non-supply of the documents. The respondent has failed to place on record any facts or material to prove what prejudice has been caused to him.

41. At this stage, it would be relevant to make a reference to certain observations made by this Court in Haryana Financial Corpn. v. Kailash Chandra Ahuja [(2008) 9 SCC 31: (2008) 2 SCC (L&S) 789], which are as under: (SCC pp. 38-39, para 21)



“21. From the ratio laid down in *B. Karunakar* [*ECIL v. B. Karunakar*, (1993) 4 SCC 727: 1993 SCC (L&S) 1184: (1993) 25 ATC 704] it is explicitly clear that the doctrine of natural justice requires supply of a copy of the inquiry officer's report to the delinquent if such inquiry officer is other than the disciplinary authority. It is also clear that non-supply of report of the inquiry officer is in the breach of natural justice. But it is equally clear that failure to supply a report of the inquiry officer to the delinquent employee would not ipso facto result in the proceedings being declared null and void and the order of punishment non est and ineffective. It is for the delinquent employee to plead and prove that non-supply of such report had caused prejudice and resulted in miscarriage of justice. If he is unable to satisfy the court on that point, the order of punishment cannot *automatically* be set aside.”

43. A perusal of the note under sub-clause (IV) of the aforesaid Rule would make it obvious that the respondent was not only to submit a list of documents and witnesses but was also required to state the relevancy of the documents and the examination of the witnesses. The respondent himself having not complied with the procedural requirements can hardly complain that a breach of the procedural requirements under clause (xi) would ipso facto result in rendering the



enquiry null and void. In any event, since the disciplinary authority has not relied on any recommendations of CVC and the respondent has failed to plead or prove any prejudice having been caused, the disciplinary proceedings cannot be said to be vitiated.”

19. The learned Senior counsel for the PGCIL further refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 2015 SCC OnLine (Pat) 2180 (**Ram Shinghasan Vs. The Union of India & Ors.**) wherein in paragraph nos.11 & 13 it has been held as follows:-

“11. Having heard and considered the rival submissions made on behalf of the parties, I find that the petitioner's plea that the order of the disciplinary authority is vitiated because in course of departmental proceeding the additional documents demanded by him were not supplied, cannot be accepted. This is for the reason that I do not find any pleading in the writ application as what were those documents which the petitioner had demanded for the purpose of his defense in course of the disciplinary proceeding. Secondly, there is no pleading as to how such documents were relevant for the purpose of the charges and the disciplinary proceeding and thirdly, there is no pleading in the writ application as to



how non-supply of those documents actually prejudiced the petitioner's case. In the absence of these pleadings in the writ application, submissions made on these aspects cannot be accepted.

13. The Supreme Court in case of S.B.I. v. Bidyut Kr. Mitra reported in 2011 (2) SCC 316 considered the necessity of showing prejudice, caused to an employee in a disciplinary proceeding, which in fact resulted in miscarriage of justice because of non-supply of list of documents. The Supreme Court negated the plea that a disciplinary proceeding stood vitiated because of non supply of documents as the delinquent had failed to point out as to what prejudice had been caused during the course of enquiry. In the present case also, I do not find any pleading in the writ application as regards prejudice caused to the petitioner in course of departmental enquiry, because of non-supply of those documents.”

20. The learned Senior counsel for the PGCIL next submits that only material and relevant documents were necessary to be supplied to the petitioner and non-supply of the documents, on which the Enquiry Officer does not rely during the course of enquiry, does not cause any prejudice to the



delinquent Officer. If the document is not used against the charged Officer, the ground of violation of principles of natural justice cannot successfully be raised. He submits that the non-supply of those documents that prejudice the case of the delinquent Officer must be established by the delinquent Officer himself.

21. To support his above contention, the learned Senior counsel for the PGCIL refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in AIR 1988 SC 117 (**Chandrama Tewari Vs. Union of India**), wherein in paragraph nos.04 and 10 it has been held as follows:-

“4. We have given our anxious consideration to the submissions made on behalf of the appellant and we have further considered the aforesaid authorities referred to by the learned counsel for the appellant but we do not find any merit in the appellant's submissions to justify interference with the High Court's judgment. Article 311 of the Constitution requires that reasonable opportunity of defense must be afforded to a government servant before he is awarded major punishment of dismissal. It further contemplates that disciplinary enquiry must be held in accordance with the rules in a just and fair manner. The



procedure at the enquiry must be consistent with the principles of natural justice. Principles of natural justice require that the copy of the document if any relied upon against the party charged should be given to him and he should be afforded opportunity to cross-examine the witnesses and to produce his own witnesses in his defense. If findings are recorded against the government servant placing reliance on a document which may not have been disclosed to him or the copy whereof may not have been supplied to him during the enquiry when demanded, that would contravene principles of natural justice rendering the enquiry, and the consequential order of punishment illegal and void. These principles are well settled by a catena of decisions of this Court. We need not refer to them. However, it is not necessary that each and every document must be supplied to the delinquent government servant facing the charges, instead only material and relevant documents are necessary to be supplied to him. If a document even though mentioned in the memo of charges is not relevant to the charges or if it is not referred to or relied upon by the enquiry officer or the punishing authority in holding the charges proved against the government servant, no



exception can be taken to the validity of the proceedings or the order. If the document is not used against the party charged the ground of violation of principles of natural justice cannot successfully be raised. The violation of principles of natural justice arises only when a document, copy of which may not have been supplied to the party charged when demanded is used in recording finding of guilt against him. On a careful consideration of the authorities cited on behalf of the appellant we find that the obligation to supply copies of a document is confined only to material and relevant documents and the enquiry would be vitiated only if the non-supply of material and relevant documents when demanded may have caused prejudice to the delinquent officer.

10. In the instant case there is no denying the fact that a copy of Paper 5 as mentioned in the charge-sheet was not supplied to the appellant and he was not permitted to inspect the same. It appears that Paper 5 was the report submitted by the Special Police Establishment in respect of the criminal case of theft of coal, in which final report had been submitted. After submission of final report in the criminal case disciplinary enquiry was initiated against



the appellant. Paper 5 (the report) was, however, not considered or relied on by the enquiry officer in recording findings against the appellant. We have perused the copy of the report of the enquiry officer furnished to the court by the appellant but we do not find any reference to Paper 5 therein. The enquiry officer has not either referred to nor relied upon that report in recording findings on the charges framed against the appellant. In this view the report (Paper 5) was not a material or relevant document and denial of copy of that document could not and did not prejudice the appellant and there was no violation of principles of natural justice. The appellant's grievance that in the absence of report he could not effectively cross-examine Shri A.C. Das, Dy. S.P. of Special Police Establishment, the investigating officer, is not sustainable. A copy of the statement as recorded by the enquiry officer has been placed before us by the appellant on a perusal of the same we find that Shri A.C. Das, (sic) cross-examined at length in detail. His examination-in-chief is confined to one page while his cross-examination runs into six foolscap typed pages. The appellant has failed to point out as to how he was prejudiced. In our opinion the appellant was not handicapped in cross-examining Shri



A.C. Das; his grievance that he was not afforded reasonable opportunity of defense is without any merit.”

22. The learned Senior counsel for the PGCIL further refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in AIR 2006 SC 3542 (**Syndicate Bank and Ors. Vs. Venkatesh Gururao Kurati**), wherein in paragraph no.18 it has been held as follows:-

“18. In our view, non-supply of documents on which the enquiry officer does not rely during the course of enquiry does not create any prejudice to the delinquent. It is only those documents, which are relied upon by the enquiry officer to arrive at his conclusion, the non-supply of which would cause prejudice, being violative of principles of natural justice. Even then, the non-supply of those documents prejudice the case of the delinquent officer must be established by the delinquent officer. It is well-settled law that the doctrine of principles of natural justice are not embodied rules. It cannot be put in a straitjacket formula. It depends upon the facts and circumstances of each case. To sustain the allegation of violation of principles of natural justice, one must establish that prejudice has been caused to him for non-observance of principles of



natural justice.”

23. The learned Senior Counsel for the PGCIL further submits that the disciplinary authority and the appellate authority have passed reasoned and speaking orders, after taking into consideration the representation of the petitioner as well as the enquiry report. Since, no new fact was brought by the petitioner, which has been recorded by the disciplinary authority and the appellate authority in their order, therefore, there was no requirement in law to pass any detailed order. He submits that it is trite law that if the disciplinary authority accepts the finding recorded by the Enquiry officer and passed an order, no detail reasons are required to be recorded in the order imposing punishment.

24. To support the above mentioned contentions, the learned Senior counsel for the PGCIL refers to and relies upon the judgment of the Hon’ble Supreme Court of India reported in AIR 2021 SC 872 (**Boloram Bordoloi Vs. Lakhimi Gaolia Bank & Ors.**) wherein in paragraph no.11 it has been held as under:-

“11. We are of the view that the judgment of this Court in ECIL [ECIL v. B. Karunakar, (1993) 4 SCC 727: 1993 SCC (L&S) 1184] is not helpful to the case of the appellant. Further, it is well settled that if the



disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based on the findings recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority. As the departmental appeal was considered by the Board of Directors in the meeting held on 10-12-2005, the Board's decision is communicated vide order dated 21-12-2005 in Ref. No. LGB/I&V/Appeal/31/02/2005-06. In that view of the matter, we do not find any merit in the submission of the learned counsel for the appellant that the orders impugned are devoid of reasons.”

25. The learned Senior counsel for the PGCIL further refers to and relies upon a judgment of the Hon’ble Supreme Court of India reported in 2025 INSC 1010 (**The State Bank of India & Ors. Vs. Ramadhar Sao**), wherein in paragraph no.13.1 it has been held as under:-

13.1. Law on the issue, that disciplinary authority is not required to record reason in detail if report of inquiry officer, is accepted. Reference can be made to judgment of this Court in Boloram Bordoloi's case (supra).



Relevant para thereof is extracted below:

11. ... it is well settled that if the disciplinary authority accepts the findings recorded by the enquiry officer and passes an order, no detailed reasons are required to be recorded in the order imposing punishment. The punishment is imposed based on the findings recorded in the enquiry report, as such, no further elaborate reasons are required to be given by the disciplinary authority. As the departmental appeal was considered by the Board of Directors in the meeting held on 10-12-2005, the Board's decision is communicated vide order dated 21-12-2005 in Ref. No. LGB/I&V/Appeal/31/02/2005-06. In that view of the matter, we do not find any merit in the submission of the learned counsel for the appellant that the orders impugned are devoid of reasons."

26. The learned Senior counsel for the PGCIL next submits that notice of every hearing was sent to the petitioner, which were duly received and acknowledged by him. Daily order-sheets were also recorded and sent to him, which was duly received and acknowledged by him. The points raised by the petitioner in his written brief were taken into consideration and were duly discussed in the enquiry report. Dates of proceedings were fixed, after due consultation with the Presenting Officer and the Charged Officer, thus, multiple opportunities were



granted to the petitioner to present his case, which he deliberately ignored and did not avail. He submits that the legal position with regard to interference in the enquiry or orders passed by the disciplinary authority in exercise of powers of judicial review is very much settled. He submits that the only requirement of law is that the allegation against the delinquent officer 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 of the delinquent employee. He submits that any complaint of violation of the procedural provisions has to be examined from the point of view prejudice i.e. whether such violation, if any, has prejudiced the delinquent officer/employee in defending himself properly and effectively.

27. The learned Senior Counsel for the PGCIL refers to and relies upon a judgment of the Hon'ble Supreme Court of India, reported in 1996 (3) SCC 364 (**State Bank of Patiala & Ors. Vs. S.K. Sharma**), wherein in paragraph no.33 it has been held as follows:-

33. We may summaries the principles emerging from the above discussion. (These are by no means intended to be exhaustive and are evolved keeping in view the context



of disciplinary enquiries and orders of punishment imposed by an employer upon the employee):

(1) An order passed imposing a punishment on an employee consequent upon a disciplinary/departmental enquiry in violation of the rules/regulations/statutory provisions governing such enquiries should not be set aside automatically. The Court or the Tribunal should enquire whether (a) the provision violated is of a substantive nature or (b) whether it is procedural in character.

(2) A substantive provision has *normally* to be complied with as explained hereinbefore and the theory of substantial compliance or the test of prejudice would not be applicable in such a case.

(3) In the case of violation of a procedural provision, the position is this: procedural provisions are generally meant for affording a reasonable and adequate opportunity to the delinquent officer/employee. They are, generally speaking, conceived in his interest. Violation of any and every procedural provision cannot be said to automatically vitiate the enquiry held or order passed. Except cases falling under — “no notice”, “no opportunity” and “no hearing” categories, the complaint of violation of procedural provision should be examined from the point of view of prejudice, viz., whether such violation has prejudiced the delinquent officer/employee in defending himself properly and effectively. If it is found that he has been so



prejudiced, appropriate orders have to be made to repair and remedy the prejudice including setting aside the enquiry and/or the order of punishment. If no prejudice is established to have resulted therefrom, it is obvious, no interference is called for. In this connection, it may be remembered that there may be certain procedural provisions which are of a fundamental character, whose violation is by itself proof of prejudice. The Court may not insist on proof of prejudice in such cases. As explained in the body of the judgment, take a case where there is a provision expressly providing that after the evidence of the employer/government is over, the employee shall be given an opportunity to lead defense in his evidence, and in a given case, the enquiry officer does not give that opportunity in spite of the delinquent officer/employee asking for it. The prejudice is self-evident. No proof of prejudice as such need be called for in such a case. To repeat, the test is one of prejudice, i.e., whether the person has received a fair hearing considering all things. Now, this very aspect can *also* be looked at from the point of view of directory and mandatory provisions, if one is so inclined. The principle stated under (4) hereinbelow is only another way of looking at the same aspect as is dealt with herein and not a different or distinct principle.

(4)(a) In the case of a procedural provision which is not of a mandatory character, the complaint of violation has to be examined from the standpoint



of substantial compliance. Be that as it may, the order passed in violation of such a provision can be set aside only where such violation has occasioned prejudice to the delinquent employee.

(5) Where the enquiry is not governed by any rules/regulations/statutory provisions and the only obligation is to observe the principles of natural justice — or, for that matter, wherever such principles are held to be implied by the very nature and impact of the order/action — the Court or the Tribunal should make a distinction between a total violation of natural justice (rule of audi alteram partem) and violation of a facet of the said rule, as explained in the body of the judgment. In other words, a distinction must be made between “no opportunity” and no *adequate* opportunity, i.e., between “no notice”/“no hearing” and “no fair hearing”. (a) In the case of former, the order passed would undoubtedly be invalid (one may call it ‘void’ or a nullity if one chooses to). In such cases, normally, liberty will be reserved for the Authority to take proceedings afresh according to law, i.e., in accordance with the said rule (audi alteram partem). (b) But in the latter case, the effect of violation (of a facet of the rule of audi alteram partem) has to be examined from the standpoint of prejudice; in other words, what the Court or Tribunal has to see is whether in the totality of the circumstances, the delinquent officer/employee did or did not have a fair hearing and the orders to be made shall



depend upon the answer to the said query. [It is made clear that this principle (No. 5) does not apply in the case of rule against bias, the test in which behalf are laid down elsewhere.]

(6) While applying the rule of audi alteram partem (the primary principle of natural justice) the Court/Tribunal/Authority must always bear in mind the ultimate and overriding objective underlying the said rule, viz., to ensure a fair hearing and to ensure that there is no failure of justice. It is this objective which should guide them in applying the rule to varying situations that arise before them.

(7) There may be situations where the interests of State or public interest may call for a curtailing of the rule of audi alteram partem. In such situations, the Court may have to balance public/State interest with the requirement of natural justice and arrive at an appropriate decision.

28. The learned Senior counsel for the PGCIL further refers to and relies upon a judgment of the Hon'ble Supreme Court of India reported in 2021 (2) SCC 612 (**S.B.I. Vs. Ajai Kumar Srivastava**), wherein in paragraph nos.22 and 24 it has been held as follows:-

“22. 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 T.N. v. T.V. Venugopalan [State of T.N. v. T.V. Venugopalan, (1994) 6 SCC 302 : 1994 SCC (L&S) 1385] and later in State of T.N. v. A. Rajapandian [State of T.N. v. A. Rajapandian, (1995) 1 SCC 216 : 1995 SCC (L&S) 292] and further examined by the three-Judge Bench of this Court in B.C. Chaturvedi v. Union of India [B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749 : 1996 SCC (L&S) 80] wherein it has been held as under : (B.C. Chaturvedi case [B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749 : 1996 SCC (L&S) 80] , SCC pp. 759-60, para 13)

“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 [Union of India v. H.C. Goel, (1964) 4 SCR 718: AIR 1964 SC 364] this Court held at SCR p. 728 (AIR p. 369, para 20) 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 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 are perverse or suffer 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.

29. The learned Senior counsel for the PGCIL next submits that the charges proved against the petitioner demonstrate that the petitioner had acted purposefully and with the sole view of defrauding and misappropriating the funds of the respondent Corporation, which in turn is a government company, therefore, considering the gravity of offenses, the penalty imposed against the petitioner is just and proper and has been imposed after compliance of all the applicable procedures of principles of natural justice. He submits that every effort has been made to take care of the procedural requirements and principles of natural justice, while passing the impugned order of punishment. The charge-sheet and the ensuing enquiry report did not rely on any complaint to arrive at the conclusion it did. The disciplinary authority and the appellate authority have passed reasoned and speaking orders, after taking into due consideration, the representation submitted by the petitioner as well as the enquiry report and opportunity at every stage of the proceeding was provided to the petitioner to present his case, which he deliberately not availed. He submits that so far the



contention of the petitioner that he was singled out and targeted by way of the disciplinary proceeding owing to his position as the General Secretary of the Power Grid Karamchari Sangh, along with all other allegations of prejudice, levelled against the respondent Corporation have been belied by the fact that 9 of the 10 charges framed against the petitioner stands proved in the disciplinary proceeding conducted in accordance with law, after following all the procedural requirement and principles of natural justice and the contention of the petitioner has been raised with a view to mislead this Hon'ble Court. He submits that the case of the petitioner does not find any consideration, since at every stage opportunity was granted to the petitioner, however, he failed to avail the said opportunities and therefore there is no infirmity in conducting the departmental proceeding, whereby the petitioner has been dismissed from service. He submits that grave charges of corruption and misappropriation of funds was levelled against the petitioner and therefore, the petitioner has been rightly dismissed from service. He submits that the order impugned does not require any interference from this Hon'ble Court.

ANALYSIS/CONCLUSION

30. Having considered the rival submissions and



after going through the materials available on record, it appears that the petitioner was initially appointed in the National Thermal Power Corporation as an Attendant in the year 1985 and was subsequently appointed as a Junior Assistant (Admn.) in 1991. His services were thereafter allocated to the Power Grid Corporation of India Limited, where he was posted as a Junior Supervisor at the Regional Headquarters at Patna. It further appears that the petitioner was elected as the General Secretary of the Employees Union of the Corporation and was subsequently transferred from Patna to Purnia vide letter dated 22.12.2009. In the meantime, allegations were levelled against him with regard to the submission of allegedly false travel allowance bills and other acts of misconduct. Pursuant thereto, a memorandum of charge dated 23.04.2010 was issued against the petitioner and an Enquiry Officer as well as a Presenting Officer were appointed. The Enquiry Officer submitted his report on 29.03.2011, wherein charge nos.1 to 9 were found to be proved, while charge no.10 was found to be not proved. Thereafter, the petitioner was supplied with a copy of the enquiry report, along with the notice dated 05.04.2011 and was granted an opportunity to submit his representation. In response thereto, he submitted his reply on 29.04.2011, denying the allegations and requesting



the disciplinary authority to reject the findings recorded by the Enquiry Officer. However, vide order contained in letter no.2932 dated 04/08.11.2011, the disciplinary authority imposed the major penalty of removal from service upon the petitioner, which was subsequently affirmed by the appellate authority vide order dated 13/30.04.2012. Being aggrieved with the aforesaid orders, the petitioner has approached this Court seeking their quashing and consequential reinstatement in service.

31. Now the issue which arises for consideration before this court is that whether the departmental proceeding conducted against the petitioner and the consequential orders passed by the disciplinary and appellate authorities suffers from any procedural infirmity or violation of the principles of natural justice, warranting interference by this Court. The petitioner has contended that the enquiry was conducted without supplying the relevant documents, including the alleged written complaint, forming the basis of the proceedings and that he was also denied the opportunity to engage a defense assistant of his choice. From perusal of the documents and records, it transpires that charge-sheet and the relevant documents, relied upon in support of the charges were duly served upon the petitioner and he was afforded several opportunities to participate in the proceedings.



The enquiry was conducted in accordance with the applicable rules of the Corporation. From the pleadings on record, it further appears that the alleged anonymous complaint was not relied upon by the Enquiry Officer in recording the findings against the petitioner and that the charges were established on the basis of the material considered during the departmental enquiry. The Judgement of the Hon'ble Supreme Court of India relied upon by the Respondents in the case of State Bank of India (Supra), is relevant, wherein it has been held that it is the obligation of the delinquent employee alleging non-supply of documents, to demonstrate the relevance of the documents sought and the prejudice caused to his defense, on account of their non-supply. Similarly, in State Bank of Patiala (Supra) the Hon'ble Supreme Court has held that a procedural irregularity in departmental proceedings does not automatically vitiate the enquiry and that, except in cases involving a complete denial of notice or opportunity of hearing, the question of interference must ordinarily be examined with reference to the prejudice caused to the delinquent employee. Applying the aforesaid principles to the facts of the present case, this Court finds that the petitioner has raised a general grievance regarding non-supply of documents and the alleged anonymous complaint, however, the



materials placed on record, as reflected from the rival submissions, do not sufficiently establish that the non-supply of the alleged complaint or any other specific document relied upon by the Enquiry Officer, caused prejudice to the petitioner in defending himself against the charges levelled against him. Consequently, the proceedings cannot be held to be vitiated merely on the basis of the aforesaid allegations.

32. This Court further finds that the petitioner has taken a plea of the refusal of the respondent Corporation to permit him to engage a retired government employee as his defense assistant. In this regard a reference has been made to Clause 25 (6) of the Conduct, Discipline and Appeal Rules of the Corporation, which, permits the engagement of a serving public servant as a defense assistant, however, does not extend such permission to a retired public servant. This finds support from the principles laid down by the Hon'ble Supreme Court in Rajasthan Marudhara Gramin Bank (Supra), wherein it has been held that a delinquent employee does not possess an absolute right to be represented by an agent of his choice in departmental proceedings and that such representation may be regulated by the applicable service rules. The Hon'ble Supreme Court has further clarified that the denial of a particular representative



does not, by itself, amount to a violation of the principles of natural justice, provided a fair opportunity to defend the charges is afforded to the delinquent employee. In the present case, in the absence of any material establishing that the refusal to permit the retired government employee as defense assistant deprived the petitioner of a reasonable opportunity to defend himself, this Court is not inclined to hold that the departmental proceedings stand vitiated on the said ground alone. The petitioner was issued the memorandum of charge, the enquiry report was subsequently supplied to him and he submitted his representation dated 29.04.2011 before the disciplinary authority. Therefore, the contention that the proceedings are liable to be set aside solely on account of the refusal to permit a defense assistant of his choice, cannot be accepted.

33. The petitioner has also contended that the disciplinary and appellate authorities have passed cryptic orders without demonstrating an independent application of mind to the grounds raised by him. In this regard, it would be relevant to refer to the judgment of the Hon'ble Supreme Court of India in the case of S.N. Mukherjee (Supra), wherein the requirement of recording reasons in orders passed by administrative authorities exercising quasi-judicial functions has been emphasized as an



important safeguard against arbitrariness. Similarly, in Divisional Forest Officer, Kothagudem (Supra), the Hon'ble Supreme Court has held that an appellate or revisional authority, while affirming an order passed by the lower authority, is required to indicate at least brief reasons for rejecting the appeal, so that the delinquent employee may understand the basis of the decision. At the same time, in Boloram Bordoloi (Supra), the Hon'ble Supreme Court has clarified that where the disciplinary authority accepts the findings recorded by the Enquiry Officer, it is not necessary to reproduce the entire reasoning of the enquiry report in the order imposing punishment. Thus, the requirement of recording reasons must be examined in the context of the findings recorded in the enquiry report and the nature of the order passed by the competent authority. In the present case, the respondents have maintained that the disciplinary and appellate authorities considered the enquiry report and the representation submitted by the petitioner, before confirming the punishment imposed upon him. The fact that the appellate authority affirmed the order of the disciplinary authority would not, by itself, render the appellate order illegal. The materials placed on record, as reflected from the rival submissions, does not sufficiently establish that the impugned orders are vitiated by a



failure to consider the petitioner's defense or by any other procedural infirmity, warranting interference by this Court.

34. This Court is conscious of the fact that the power of judicial review under Article 226 of the Constitution of India is not equivalent to an appellate jurisdiction over the findings recorded in a departmental proceeding. The law in this regard has been settled by the Hon'ble Supreme Court in the case of State Bank of India (Supra), wherein it has been held that judicial review is primarily concerned with the legality of the decision-making process and that interference is warranted where the proceedings are inconsistent with the principles of natural justice, contrary to the governing rules, perverse or based on no evidence. The petitioner has disputed the findings recorded against him and has alleged that the enquiry was conducted in a manner prejudicial to his defense. However, the Enquiry Officer found charge nos.1 to 9 proved and charge no.10 to be not proved, thereby indicating that the charges were examined individually and that the findings were not uniformly adverse to the petitioner. The respondents have also submitted that the charges relating to the submission of allegedly false travel allowance bills were supported by the material examined during the enquiry and that the petitioner was afforded



opportunities to defend himself. In the absence of sufficient material establishing that the findings recorded by the Enquiry Officer are perverse, unsupported by evidence or vitiated by a material procedural irregularity, resulting in prejudice to the petitioner, this Court would not be justified in substituting its own assessment of the evidence for that of the disciplinary authority. Having regard to the nature of the allegations and the major penalty imposed, this Court has examined the grounds raised by the petitioner with due care, however, no sufficient ground for interference with the findings recorded during the departmental proceedings has been established, on the basis of the materials placed on record.

35. Accordingly, from the consideration made above and the settled principles governing judicial review in the departmental proceedings, this Court does not find any merit in the challenge raised by the petitioner against the order of punishment dated 04/08.11.2011, passed by the disciplinary authority and the appellate order dated 13/30.04.2012 passed by the Appellate authority, confirming the same. The petitioner has failed to establish that the alleged non-supply of documents, refusal to permit a retired government employee to act as his defense assistant or the manner in which the appellate authority



affirmed the order of punishment, resulted in such a violation of the principles of natural justice, which would warrant interference by this Court. Therefore, this Court is not inclined to grant relief to the petitioner. The writ petition is accordingly dismissed.

36. Pending application(s), if any, shall also stand disposed of.

(Ritesh Kumar, J)

krishnakant/-

AFR/NAFR	NAFR
CAV DATE	17.08.2026
Uploading Date	27.10.2026
Transmission Date	NA

