

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
**W.P.(S) No. 4411 of 2020**

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Pramod Kumar Sinha, aged about 53 years, son of Sri Satya Narayan Prasad Sinha, resident of SAIL City, P.O.-Dhurwa, P.S.- Pundag, District – Ranchi .....**Petitioner**

**Versus**

1. Chairman, Coal India Ltd. having its office At - Coal Bhawan, P.O. & P.S.-Newtown, Rajarhat, Kolkata -700156 (W.B.).
2. Director (P & IR), Coal India Ltd. having its office At-Coal Bhawan, P.O. & P.S.- Newtown, Rajarhat, Kolkata-700156 (W.B.).
3. Chairman-cum-Managing Director, Central Coalfields Ltd. having its office at Darbhanga House, Ranchi, P.O.-G.P.O., P.S.-Kotwali, District Ranchi, Jharkhand.
4. General Manager (P & IR), Central Coalfields Ltd. having its office at Darbhanga House, Ranchi, P.O.-G.P.O., P.S.-Kotwali, District - Ranchi, Jharkhand.
5. Sri Swayam Prakash, Chief Manager (Personnel), LP&R Department, Central Coalfields Ltd., having its office at Darbhanga House, Ranchi, P.O.-G.P.O., P.S.-Kotwali, District - Ranchi, Jharkhand.
6. General Manager, B&K Area, Central Coalfields Ltd., At-Kargali, P.O. & P.S.- Bermo, District-Bokaro.
7. The Project Officer, Kargali O.C.P., Central Coalfields Ltd., At Kargali, P.O. & P.S.-Bermo, District - Bokaro

.....**Respondents**

**with**

**W.P.(S) No.1595 of 2021**

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Bharatjee Thakur, aged about 57 years, son of Late Mangru Thakur, resident of Qtr. No. C-9, G.M. Colony, P.O.-Dhori, P.S.-Bermo, District-Bokaro ....**Petitioner**

**Versus**

1. Chairman, Coal India Ltd. having its office At - Coal Bhawan, P.O. & P.S.-Newtown, Rajarhat, Kolkata -700156 (W.B.).
2. Director (P & IR), Coal India Ltd. having its office At-Coal Bhawan, P.O. & P.S.- Newtown, Rajarhat, Kolkata-700156 (W.B.).
3. Chairman-cum-Managing Director, Central Coalfields Ltd. having its office at Darbhanga House, Ranchi, P.O.-G.P.O., P.S.-Kotwali, District Ranchi, Jharkhand.
4. General Manager (P & IR), Central Coalfields Ltd. having its office at Darbhanga House, Ranchi, P.O.-G.P.O., P.S.-Kotwali, District - Ranchi, Jharkhand.
5. Sri Swayam Prakash, Chief Manager (Personnel), LP&R Department, Central Coalfields Ltd., having its office at Darbhanga House, Ranchi, P.O.-G.P.O., P.S.-Kotwali, District - Ranchi, Jharkhand.
6. General Manager, B&K Area, Central Coalfields Ltd., At-Kargali, P.O. & P.S.- Bermo, District-Bokaro.

7. Staff Officer (Personnel), B& K Area, Central Coalfields Ltd.,  
P.O.-Sunday Bazar, P.S.-Bermo, District-Bokaro

8. Project Officer, B&K Area, Central Coalfields Ltd., P.O.-  
Sunday Bazar, P.S.-Bermo, District-Bokaro

....Respondents

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**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

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For the Petitioner(s): Mr. Uday Prakash, Advocate  
[in both cases]

For the Respondents: Mr. Shivam Utkarsh Sahay,  
Advocate  
[in both cases]

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**C.A.V. ON 18.06.2025**

**PRONOUNCED ON 28/07/2025**

**W.P.(S) No. 4411 of 2020**

The instant writ petition has been preferred by  
the Petitioner for the following reliefs:

- (i) *For quashing the punishment order dt. 31.08.2017 (Annexure-14) passed by the Respondent No. 3, whereby and whereunder petitioner has been awarded minor penalty of "withholding of two increments for a period of two years without cumulative effect" in the matter of minor penalty proceedings initiated against him by the Memorandum of the Charge dt. 7.10.2016 issued to him and also to quash the Appellate Order dt. 28.01.2020 (Annexure-16) passed by Respondent No. 1, whereby and whereunder punishment of withholding of two increments for a period of two years without cumulative effect, inflicted upon the petitioner has been upheld by the Respondent No. 1/Appellate Authority in the matter of departmental appeal; against the said punishment; preferred before him by the petitioner.*
- (ii) *For a further direction(s) upon the respondents to grant petitioner's basic of Rs. 1,58,280/- as on 01.04.2018 and to continue with the same and fixing his further basic thereby as to Rs. 1,63,030/- as on 01.04.2019, which have been withheld consequent to passing of punishment order dt. 31.08.2017 (Annexure-14) and pay the arrears with consequential benefits arising thereof, alongwith interest.*

**W.P.(S) No. 1595 of 2021**

The instant writ petition has been preferred by  
the Petitioner for the following reliefs:

- (i) *For quashing the punishment order dt. 31.08.2017 (Annexure-10) passed by the Respondent No. 3, whereby and whereunder petitioner has been awarded minor penalty of "withholding of three increments for a period of three years without cumulative effect" in the matter of minor penalty proceedings initiated against him by the Memorandum of the Charge dt. 7.10.2016 issued to him and also to quash the Appellate Order dt. 28.01.2020 (Annexure-17) passed by Respondent No. 1, whereby and whereunder punishment of withholding of three increments for a period of three years without cumulative effect, inflicted upon the petitioner has been upheld.*

- (ii) For a further direction upon the respondents to grant petitioner's entitled basic as on 01.04.2018, 01.04.2019 and 01.04.2020, which have been withheld consequent to passing of punishment order dt. 31.08.2017 (Annexure-10); and pay the arrear with consequential benefits thereof.
- (iii) Upon quashing and setting aside the impugned orders a further direction upon respondents to grant promotion to the petitioner from the post of Senior Manager (P) in E-6 Grade to the post of Chief Manager (P) in E-7 Grade retrospectively from the date, when his juniors in the post of Sr. Manager (P)/E-6 Grade have been promoted; alongwith payment of back wages arising thereof, as petitioner was not considered for promotion owing to currency of punishment of withholding of annual increments for three years.

**2.** Since issues involved in both these writ applications are same and similar and are also interconnected; as such, both were heard together and being disposed of by this common order. The brief facts lie in a narrow compass. The petitioners, *Shri Pramod Kumar Sinha* and *Shri Bharatjee Thakur*, are officers in the executive cadre under the Personnel Discipline of Central Coalfields Limited<sup>1</sup>, a subsidiary of Coal India Limited<sup>2</sup>. They were subjected to minor penalty proceedings under the provisions of the *Coal India Limited Conduct, Discipline and Appeal Rules, 1978* (as amended up to April 2000)<sup>3</sup>.

The origin of the proceedings arise from a matter concerning a non-executive employee. One *Shri Swaminath Singh*, who was serving as a Senior Overman at the Kargali Open Cast Project (KOCPP), B&K Area of CCL was initially appointed in the year 1980, and his date of birth was recorded as 15.02.1956, based on a medical certificate, in his service book. He continued in service on the strength of this recorded date of birth.

In the year 2014, during an RTI-related exercise requiring verification of educational and statutory certificates, *Shri Swaminath Singh* failed to submit his matriculation and statutory certificates despite repeated reminders. As a result,

<sup>1</sup> hereinafter referred to as "CCL"

<sup>2</sup> hereinafter referred to as "CIL"

<sup>3</sup> hereinafter referred to as "CIL-CDA Rules"

a charge-sheet was issued to him on 23.12.2014 for non-compliance and disobedience, and a departmental enquiry was initiated. *Shri Bharatjee Thakur*, petitioner in WP(S) No. 1595 of 2021, was appointed as the Enquiry Officer by Memo dated 31.01.2015.

During the pendency of the enquiry, the Directorate General of Mines Safety (DGMS), Dhanbad, *vide* letter dated 13.01.2015, informed that as per its records, the date of birth of *Shri Swaminath Singh*, as recorded in the Overman Certificate, was 05.01.1953. The discrepancy between the service book entry and statutory certificate came to light. In view of this, and after discussion with the Area authorities, *Shri Bharatjee Thakur* prepared a note on 10.04.2015 recommending removal of the employee on account of his deemed superannuation on 31.01.2013.

The said recommendation was placed before *Shri Pramod Kumar Sinha*, petitioner in WP(S) No. 4411 of 2020, then posted as Senior Manager (Personnel) at the Headquarters in Ranchi. He endorsed the view that the employee had already attained the age of superannuation based on the statutory certificate and advised that his name be struck off the rolls and the pending enquiry be dropped.

This recommendation was further endorsed by the General Manager (P&IR), CCL and accordingly, the employee was disengaged from service on 21.04.2015.

**3.** Subsequently, based on a vigilance report arising out of a complaint dated 25.02.2015, both petitioners were issued charge memos on 07.10.2016. They were alleged to have facilitated the retirement of the said employee during the pendency of a departmental enquiry, which is in contravention of company rules, thereby allegedly enabling the release of retiral benefits and acting prejudicially to the interest of the company.

**4.** The petitioners submitted detailed explanations denying the charges. Despite this, by order dated 31.08.2017, the Disciplinary Authority imposed punishment on *Shri Pramod Kumar Sinha*-the penalty of withholding two increments for two years without cumulative effect and on *Shri Bharatjee Thakur*-the penalty of withholding three increments for three years without cumulative effect.

Both petitioners preferred departmental appeals against their respective punishment orders. However, the appeals were rejected, thereby affirming the findings and punishments imposed by the Disciplinary Authority. Aggrieved by the said punishment and appellate orders, the petitioners have filed the respective writ petitions.

**5.** Learned counsel for the petitioners submitted that in their respective memorandum of charge, it has not been stated as to what were the exact rules which were violated by the petitioners or how the said actions of paving way for peaceful retirement of *Shri Singh* and release of his retiral dues were detrimental to the interest of the company.

Further, he submitted that to the contrary, Clause 34 of the Certified Standing Orders of M/s CCL provides for superannuation of an employee of the company on his reaching the age of 60 years, and there is no clause in the Certified Standing Orders of M/s CCL stipulating to continue with a departmental enquiry initiated during the service period, after the employee's superannuation. The company's administrative guidelines vide letter dated 17/18.07.2006 also speak so.

**6.** He contended that despite bringing all relevant facts and documents on record, the disciplinary authority-respondent no.3 passed the impugned orders dated 31.08.2017 punishing petitioner-*Shri Pramod Kumar Sinha* with withholding of two increments for two years without cumulative effect and petitioner-*Shri Bharatjee Thakur* with

withholding of three increments for three years without cumulative effect.

Learned counsel further submitted that the disciplinary authority failed to explain how the employee could have continued beyond the age of 60 years on the basis of the date of birth recorded in the service book, discarding the correct date of birth recorded in the statutory certificates, i.e., 05.01.1953. Further, no explanation was given in the punishment order as to why the findings of the statutory authority (DGMS) were not accepted. The authority acted on hypothetical reasoning and ignored the settled legal position.

**7.** Further, he submitted that the disciplinary authority failed to appreciate that the departmental proceeding initiated against *Shri Swaminath Singh* had to be discontinued upon his superannuation, as there was no provision in the Certified Standing Orders permitting its continuation. It was also contended that even otherwise, the disciplinary authority, while imposing the punishment, did not apply its own mind but acted on the dictates of the vigilance department. From the records (*page 123 of WP(S) No. 4411/2020*), it is evident that the disciplinary authority did not exercise its own judgment in determining the quantum of punishment.

**8.** *Per contra*, learned counsel for the Respondents has submitted that the departmental proceedings as well as the appeal preferred by the petitioners clearly demonstrate that the petitioners have failed to produce any document or evidence to prove their innocence. Moreover, after giving full opportunity of hearing, the Disciplinary Authority, having considered the gravity of the lapses, imposed the aforementioned minor penalty on the petitioners. All aspects of the matter were duly considered by the Disciplinary Authority before arriving at the decision.

**9.** Learned counsel to support his contention has placed reliance on the judgment of the Hon'ble Supreme Court in ***Bank of India v. Degala Suryanarayana***<sup>4</sup>, wherein, at *para 11*, it has been held that where an applicant obtains office by misrepresenting facts or playing fraud upon the competent authority, such appointment cannot be sustained in law. It is well settled that fraud vitiates all judicial acts, ecclesiastical or temporal, and that fraud and collusion vitiate even the most solemn proceedings in any civilized system of jurisprudence. Dishonesty should not be permitted to yield benefit to those who have practiced fraud or misrepresentation. If employment is secured by such means, it renders the same voidable at the option of the employer.

**10.** Further, he has submitted that the allegations levelled against the petitioners were duly proved by the competent authority after affording ample opportunity of hearing. Accordingly, *vide* order dated 31.08.2017, minor penalty were imposed upon respective petitioners, which is completely justified. The charge-sheet clearly sets out that the respective petitioners committed misconduct and consequently conferred undue benefit upon the employee *Shri Swaminath Singh*.

He also submits that while it is partly disputed and denied that the petitioner, *Pramod Kumar Sinha*, acted solely in an advisory capacity, it is submitted that it was on the basis of his recommendation that the ongoing departmental proceeding against *Shri Swaminath Singh* was dropped and he was allowed to retire peacefully despite being passed his stipulated date of retirement.

**11.** He submitted that although the letter dated 17/18.07.2006 dealt with the issue of continuation of departmental proceedings after retirement, it applied only

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<sup>4</sup> (1999) 5 SCC 762

where an enquiry is pending and cannot be continued after superannuation. In this case, the Petitioner- *Mr. Sinha*, without examining the DGMS letter or issuing a fresh notice, made a direct recommendation to drop proceedings.

Moreover, the appeal dated 28.09.2017 was duly processed and placed before the Appellate Authority in accordance with Rule 36.1. The Appellate Authority, after examining all documents, representations, and the penalty imposed, found the punishment commensurate with the misconduct and passed a well-reasoned and speaking order dated 28.01.2020, which was duly communicated to the petitioners.

**12.** Having heard learned counsel for the parties and after going through the documents annexed with the respective affidavits and the averments made therein, it appears that the Petitioners-*Shri Pramod Kumar Sinha & Shri Bharatjee Thakur*, the officers in the executive cadre of Central Coalfields Limited (CCL), were subjected to minor penalty proceedings under the *CIL Conduct, Discipline and Appeal Rules, 1978*. The departmental proceedings had arisen from a case involving one *Shri Swaminath Singh*, a Senior Overman at Kargali Open Cast Project (KOC), whose service records reflected his date of birth as 15.02.1956. However, during a certificate verification exercise in 2014, the DGMS, Dhanbad, vide letter dated 13.01.2015, informed that the employee's date of birth, as per his statutory Overman certificate, was 05.01.1953.

In light of this discrepancy, Petitioner-*Shri Bharatjee Thakur*, then posted at KOC, initiated a proposal on 10.04.2015 for treating the employee as deemed retired on 31.01.2013. Petitioner-*Shri Pramod Kumar Sinha*, then at CCL Headquarters, endorsed the proposal, including the recommendation to drop the pending departmental enquiry.

Based on these recommendations, *Shri Swaminath Singh* was disengaged from service on 21.04.2015.

Subsequently, both Petitioners were charge-sheeted on 07.10.2016 for allegedly facilitating premature retirement of the employee during the pendency of departmental enquiry, contrary to company norms and thereby enabling release of retiral benefits. The Petitioners submitted explanations stating that their actions were in accordance with Clause 34 of the Certified Standing Orders, the CCL Circular- I.I. No. 76 dated 25.04.1988 and the administrative guideline dated 17/18.07.2006 which did not permit continuation of enquiry after superannuation.

Nevertheless, by orders dated 31.08.2017, the Disciplinary Authority imposed minor penalties of withholding of increments. The Departmental appeals filed by the petitioners were also dismissed.

**13.** The issues falling for consideration in this case are as follows:

- i. Whether the impugned Memorandum of charge dated 07.10.2016 issued to the respective petitioners makes out a case far-less a case of misconduct as alleged against him ?*
- ii. Whether the recommendation of the petitioners to treat Shri Swaminath Singh as superannuated and drop the departmental enquiry was in accordance with company rules, policies and law ?*
- iii. Whether the disciplinary and appellate orders suffer from any infirmity warranting interference under Article 226 of the Constitution of India ?*

**14.** The first issue for consideration is whether the impugned Memorandum of Charge dated 07.10.2016 issued to the Petitioners makes out a case, far less a case of misconduct, as alleged against him.

It is the contention of the Petitioners that the term “misconduct” implies a wrongful intention and not a mere error of judgment, as defined in *P. Ramanatha Aiyar's*

*The Law Lexicon*<sup>5</sup> and that misconduct is not necessarily the same thing as conduct involving moral turpitude, as laid down in ***Inspector Prem Chand v. Govt. of NCT of Delhi***<sup>6</sup>. In the said case, the definition of misconduct has been noted down as per *Stroud's Judicial Dictionary* which runs as: “Misconduct means, misconduct arising from ill motive; acts of negligence, errors of judgment, or innocent mistake, do not constitute such misconduct.”

However, the recommendation for approval a proposal for immediate removal of *Shri Singh* from the employment of CCL, *Shri Sinha* favoured *Shri Singh* against whom departmental enquiry for misconduct was pending and his advice that the departmental enquiry initiated against him may also be dropped as no fruitful purpose would be served in proceeding with the same ahead coupled with the note “*immediate action please*” shows his act was in a manner prejudicial to the interests of the Company as such leniency towards employees found *prima facie* guilty of major fraud and cheating may encourage others to indulge in similar activities incurring huge loss to the Company.

**15.** Insofar as, the issue, whether the recommendation of the Petitioners to treat *Shri Swaminath Singh* as superannuated and drop the departmental enquiry was in accordance with company rules, policies and law is concerned; the key fact remains that a departmental proceeding was pending against *Shri Singh* for non-submission of statutory certificates. During the pendency of that proceeding, the Petitioners, upon discovery of an alternative date of birth, recommended his immediate removal by treating him as having already superannuated and simultaneously recommended dropping the disciplinary proceedings.

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<sup>5</sup> 5<sup>th</sup> Edn., at p. 1232

<sup>6</sup> (2007) 4 SCC 566

While it is correct that the Clause 34 of the Certified Standing Orders of M/s CCL provides for superannuation of an employee of the company on his reaching the age of 60 years and there is no provision in the Certified Standing Orders to continue a proceeding post-superannuation, this principle applies only when superannuation would have occurred naturally and not when it was enforced based on unverified data during the pendency of a departmental proceeding. The action of the Petitioners resulted in pre-empting the outcome of the departmental enquiry, which ought to have been concluded or converted into a fresh charge based on the DGMS communication.

**16.** It is also evident from record that the DGMS, Dhanbad, had sent a proposal on 13.01.2015 to CCL Headquarters for removal of *Swaminath Singh* from the employment of the company; instead the Petitioner made a proposal to the headquarters for stopping the employee from the employment and strike of his name in the manpower role of the company as well as dropping the ongoing departmental proceeding initiated against him without any guideline / circular and any provision of the Certified Standing Orders for workman of establishment under respondent company.

As stated hereinabove, there was no guideline / circular or any provision in the Certified Standing Orders of the workman of establishments under CCL for stopping employee from employment and striking of his name in the manpower role and dropping the ongoing enquiry. The letter dated 13.01.2015 of DGMS conveying the date of birth of *Swaminath Singh* has not been adduced in the enquiry proceedings nor fresh show cause was served to the employee for establishing the fact that his date of birth was 05.01.1953. If DGMS submitted Mining Sirdar /Overman Certificate of the employee, which contains the date of birth of the employee, the certificate is valid one and the recommendation made by the petitioner was correct.

But, as per the service records, date of birth of *Swaminath Singh* was 15.02.1956 and there was enough time to enquire the matter by giving him fresh show cause notice and examination of the documents dated 13.01.2015 of DGMS which was not made in any of the enquiry. Therefore, the Petitioners misguided the higher authority and the employee was allowed to retire peacefully against possible dismissal / removal and forfeiture of his gratuity.

**17.** Thus, due to wrong recommendation of the Petitioners, the employee got all retiral benefits and was stopped from services w.e.f. 21.04.2015 without conclusion of any departmental action. Thus, in the absence of any rule authorizing such a mode of forced retirement during enquiry and without affording due process to the charged employee, the Petitioners' recommendation were procedurally flawed.

**18.** The other prime issue is whether the disciplinary and appellate orders suffer from any infirmity warranting interference under Article 226 of the Constitution of India.

As to the punishment imposed, this Court finds that due opportunity was given to the Petitioners; the disciplinary authority recorded reasons and imposed minor penalties and the appellate authority considered the appeal, though it could have been more elaborative. Herein, the Court cannot re-appreciate evidence or substitute its own view unless the findings are perverse or in violation of principles of natural justice. The disciplinary authority's conclusion that the Petitioners' actions facilitated avoidance of formal adjudication is not perverse, especially considering the vigilance input.

In ***State of Karnataka v. N. Gangaraj***<sup>7</sup>, the Hon'ble Supreme Court has again reiterated that Courts must not interfere with departmental findings unless mala

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<sup>7</sup> (2020) 3 SCC 423

fides, perversity or violation of procedure are evident. The relevant paragraphs have been quoted hereinbelow:

**“10.** In *B.C. Chaturvedi v. Union of India* [B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749 : 1996 SCC (L&S) 80], again a three-Judge Bench of this Court has held that power of judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eyes of the court. The court/tribunal in its power of judicial review does not act as an appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. It was held as under: (SCC pp. 759-60, paras 12-13)

“12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of the Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry 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, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has co-extensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, 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 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.”

**12.** In *State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya* [State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya, (2011) 4 SCC 584 : (2011) 1 SCC (L&S) 721], this Court held that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry 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 ground

for interfering with the findings in departmental enquiries. The Court held as under : (SCC pp. 587-88, paras 7 & 10)

“7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry 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* [*B.C. Chaturvedi v. Union of India*, (1995) 6 SCC 749 : 1996 SCC (L&S) 80] , *Union of India v. G. Ganayutham* [*Union of India v. G. Ganayutham*, (1997) 7 SCC 463 : 1997 SCC (L&S) 1806] and *Bank of India v. Degala Suryanarayana* [*Bank of India v. Degala Suryanarayana*, (1999) 5 SCC 762 : 1999 SCC (L&S) 1036] , *High Court of Bombay v. Shashikant S. Patil* [*High Court of Bombay v. Shashikant S. Patil*, (2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)

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10. The fact that the criminal court subsequently acquitted the respondent by giving him the benefit of doubt, will not in any way render a completed disciplinary proceeding invalid nor affect the validity of the finding of guilt or consequential punishment. The standard of proof required in criminal proceedings being different from the standard of proof required in departmental enquiries, the same charges and evidence may lead to different results in the two proceedings, that is, finding of guilt in departmental proceedings and an acquittal by giving benefit of doubt in the criminal proceedings. This is more so when the departmental proceedings are more proximate to the incident, in point of time, when compared to the criminal proceedings. The findings by the criminal court will have no effect on previously concluded domestic enquiry. An employee who allows the findings in the enquiry and the punishment by the disciplinary authority to attain finality by non-challenge, cannot after several years, challenge the decision on the ground that subsequently, the criminal court has acquitted him.”

**13.** In another judgment reported as *Union of India v. P. Gunasekaran* [*Union of India v. P. Gunasekaran*, (2015) 2 SCC 610 : (2015) 1 SCC (L&S) 554] , this Court held that while reappreciating evidence the High Court cannot act as an appellate authority in the disciplinary proceedings. The Court held the parameters as to when the High Court shall not interfere in the disciplinary proceedings : (SCC p. 617, para 13)

“13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate 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.””*

In the case at hand, none of these grounds are attracted.

**19.** Moreover, Petitioners’ reliance over the case of Supreme Court rendered in ***Nareshbhai Bhagubhai v. Union of India***<sup>8</sup> wherein it has been quoted in para 14.2 that the file noting in the office files of the competent authority cannot be considered to be an order on the objections, can also not be relied upon in the present case as one of the Petitioners, *Shri P.K. Sinha*, made straight away recommendation to immediately stop *Swaminath Singh* from employment in the Company and this recommendation was in contradiction to the proposal of the area authorities for removal of *Swaminath Singh* and guideline for recovery of excess salary/allowances drawn.

**20.** Having regard to the discussion made hereinabove, this Court is of the considered opinion that the Petitioners have failed to demonstrate any illegality, irregularity or perversity in the conduct of the disciplinary proceedings or in the orders passed by the Disciplinary Authority and the Appellate Authority.

It is well settled that the scope of judicial review in matters of departmental proceedings is limited. The Court does not sit as an appellate authority over the decision of the Disciplinary Authority. Unless there is a clear case of violation of natural justice or findings are shown to be perverse, this Court ought not to interfere with the conclusions arrived at in a properly conducted enquiry.

In the instant case, the charges against the Petitioners were specific, inquiry was conducted after affording due opportunity, and the findings recorded cannot be said to be either perverse or unsupported by evidence.

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<sup>8</sup> (2019) 15 SCC 1

The penalty imposed is minor in nature and commensurate with the nature of misconduct, which has been adequately established.

**21.** Accordingly, both the writ petitions being *W.P.(S) No. 4411 of 2020* and *W.P.(S) No. 1595 of 2021* are dismissed. Pending I.A., if any, also stands closed. However, no cost.

**(Deepak Roshan, J.)**

Jk  
NAFR/A.F.R