IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6448-2024 (O&M)

Date of decision: 24.03.2025

Pradeep Synghal ....Petitioner

V/s

State of Punjab and others ....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. R. Kartikeya, Mr. Pankaj Gautam & Mr. Abhishek Shukla,
Advocates for the petitioner.

Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab
for respondent No.1.

Mr. Gaurav Chopra, Senior Advocate with
Mr. Ranjeet Singh Kalra & Ms. Seerat, Advocates
for respondent Nos.2 & 3.

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SUMEET GOEL, JUDGE

1. The petitioner has invoked the writ jurisdiction of this Court, seeking the issuance of a writ of certiorari for quashing the Charge-sheet dated 14.07.2021, Inquiry report dated 07.01.2023, Vigilance and Disciplinary committee's order dated 31.07.2023 and the subsequent acceptance thereof by the Full Court held on 06.10.2023 as well as the consequential order of dismissal from service dated 14.11.2023.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated, thus:

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(i). Having qualified the Punjab Civil Services (Judicial) Examination in the year 2011, the petitioner was appointed as a Civil Judge (Junior Division) and in May 2016, the petitioner was promoted to the post of Civil Judge (Senior Division), Jagraon.

(ii). Subsequent to the complaint(s) made against the petitioner and after having been afforded opportunity to respond thereto, a fact-finding inquiry was constituted wherein the statements of several witnesses, including the staff members was recorded consequent thereupon the petitioner was placed under suspension vide order dated 14.12.2020. Further, vide memorandum dated 14.07.2021, a charge sheet was served upon the petitioner, with prime allegations as follows:

a. *Firstly*, the petitioner, in collusion with one Pankaj Mittal and Vikas Mittal, entertained and adjudicated upon seven criminal complaints of a similar nature, in a stereotypical and mechanical manner, without adhering to the mandatory statutory procedure. The complainants, being personally acquainted with the petitioner, manipulated the territorial jurisdiction by fabricating the alleged incidents within the jurisdiction of the Court at Jagraon, where the petitioner was stationed at the relevant time. Consequently, it was said that the petitioner abused judicial discretion, acting as a mere puppet in the hands of the complainants, thereby facilitating their ulterior motives and effectively assuming the role of their de facto recovery agent.

b. *Secondly*, the petitioner, in gross misuse of his official position, unlawfully facilitated the complainants in the afore-mentioned seven complaints by improperly deputing Process Servers

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to Maharashtra and Bihar, in flagrant violation of procedural mandates. Such actions, undertaken with the intent to extend undue advantage to the complainants, are asserted to be in derogation of the principles of judicial propriety and the high ethical standards expected of a judicial officer. Consequently, the petitioner was accused of failing to uphold honesty, integrity and devotion to duty, thereby engaging in conduct unbecoming of a judicial officer.

c. *Thirdly*, the receipt book of challans maintained in the office of the Nazar, Sub-Divisional Courts, Jagraon, which fell directly under the supervisory control of the petitioner, was not properly maintained, thereby compromising financial accountability. The possibility of embezzlement arising from such irregularities could not be entirely ruled out. Moreover, the petitioner failed in his duty to report these grave discrepancies to the competent authorities, thereby exhibiting dereliction of duty and a lack of administrative diligence. Such omission and negligence were stated to constitute conduct unbecoming of a judicial officer.

d. *Fourthly*, that upon receipt of a complaint submitted by certain advocates, the petitioner misused his official position by summoning a Process Server with the intent to intimidate and coerce him into silence. By doing so, the petitioner is accused of deliberately suppressing material facts in an attempt to evade disciplinary action against himself. Such conduct, allegedly driven by ulterior motives, is deemed to be inconsistent with the dignity, impartiality, and ethical standards expected of a judicial officer, thereby amounting to misconduct unbecoming of the office he holds.

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(iii). Upon the petitioner's submission of reply to the charge sheet dated 14.07.2021, an Inquiry Officer was appointed to examine the matter. The said Inquiry Officer, vide her report dated 07.01.2023, rendered findings wherein Charges No. 1, 2, and 4 were held to be duly substantiated against the petitioner.

(iv). The petitioner was served with a show cause notice, through a communication dated 01.03.2023, accompanied by a copy of the inquiry report. In response thereto, the petitioner submitted reply dated 07.04.2023, wherein the petitioner challenged the veracity and legitimacy of the inquiry report, raising objections regarding its genuineness, procedural propriety, and evidentiary sufficiency.

(v). The matter was thereafter placed before the Vigilance Committee of Respondent No.3 – High Court, which in its meeting on 31.07.2023, considering the reply filed by the petitioner, resolved to accept the findings of the inquiry report dated 7.01.2023 and accordingly recommended the imposition of the major penalty of dismissal from service upon the petitioner.

(vi). Subsequently, the matter was submitted for consideration before the Full Court of Respondent No.3 – High Court, which on 06.10.2023, approved and affirmed the recommendation of the Vigilance Committee, thereby sanctioning the petitioner's dismissal from service.

(vi). The order dated 14.11.2023 was consequently issued, whereby the petitioner was dismissed from service, thereby terminating his tenure as Additional Civil Judge (Senior Division).

(vii). It is in the backdrop of this factual milieu that the writ petition in hand seeks consideration at hands of this Court.

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3. Learned counsel for the petitioner; led by Shri Vijay Kumar Jindal, Senior Advocate; have contended that the petitioner had been discharging his judicial functions with utmost rectitude and impartiality, which incurred the displeasure of certain local advocates and litigants. It is asserted that, motivated by malice, false and frivolous complaints were engineered against the petitioner with the sole intent of tarnishing his reputation and maligning his judicial integrity. It has been further iterated that there is no worthwhile material brought on record during the course of inquiry which may connect or hold the petitioner liable for any misconduct. It has been further urged by learned counsel that the Inquiry Officer, in her report dated 07.01.2023, erroneously inferred misconduct on the petitioner's part, despite the absence of cogent, probative and legally sustainable evidence on record. It is further argued that no substantive material exists to support the alleged misconduct, and that the findings of the Inquiry Officer are perverse, arbitrary, and wholly unsustainable in law. It is urged that no reasonable person, acting judiciously and in accordance with law, could have arrived at the conclusions drawn in the inquiry report dated 07.01.2023. Learned counsel have further urged that the findings have been arrived at without proper appreciation of evidence and there are several contradictions in the statements of the witnesses which have gone unnoticed by the inquiry officer. It has been argued that, a comprehensive evaluation of the material presented before the Inquiry Officer, would unequivocally establish that the petitioner has been wrongfully implicated and that no act of misconduct can be legitimately attributed to him. On strength of these submissions, the grant of writ petition in hand is entreated for.

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4. Learned counsel for respondent No.1 has submitted that the State has acted upon the recommendations made by the respondent no.3 — High Court and there isno folly on its part.

4.1. Written reply has been furnished on behalf of respondent Nos.2 & 3, through Sh Varun Nagpal, OSD (Litigation), High Court of Punjab and Haryana at Chandigarh. Learned counsel appearing for respondent Nos.2 & 3 while raising submissions in tandem with the same has urged that the inquiry in question was carried out against the petitioner (herein) in accordance with the prescribed procedure and there is no error therein. Learned counsel has urged that all concerned were afforded due opportunity to put forth their case before the Inquiry Officer and the evidence brought on record therein clearly establishes the culpability of the petitioner (herein). It has been further iterated that the Disciplinary Committee has also considered the inquiry report in its correct perspective and it is thereafter the punishment of major penalty of dismissal from service has been imposed upon the petitioner. Ld. Counsel for the respondent has further asserted that the scope of judicial interference in disciplinary proceedings is extremely limited and circumscribed by well-established legal principles. It has been thus argued that, as disciplinary proceedings in the instant case have been conducted in accordance with due process and the finding of guilt has been arrived at based on sufficient material duly placed before the inquiry officer, this Court ought to exercise restraint and ought not to interfere with the conclusion arrived at by the inquiry officer.

4.2 The concerned Inquiry Officer was impleaded as respondent No.4. However, learned counsel for the petitioner (on instructions from the petitioner) had sought for and was granted leave to delete the name of

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respondent No.4 from the array of parties, which factum is recorded in the order dated 29.04.2024 earlier passed by this Court in this petition.

5. We have heard learned counsel for the rival parties and have perused the available record.

6. The prime issue that arises for consideration in the writ petition in hand is; as to whether the Inquiry Report dated 07.01.2023, order of the Vigilance &Disciplinary Committee dated 31.07.2023, the acceptance of the report of the Vigilance &Disciplinary Committee on 06.10.2023 and the resultant dismissal order dated 14.11.2023 ought to be set aside &the petitioner be reinstated in services.

7. Before proceeding to delve further, it would be apposite to refer herein to a Three Judge Bench judgment passed by the Hon'ble Supreme Court in the case titled as ***Deputy General Manager (Appellate Authority) and others Vs. Ajai Kumar Srivastava, (2021) 2 SCC 612,***wherein it has been held as under:-

> *"23. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional Courts under Article226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court in State of Tamil Nadu Vs. T.V. Venugopalan3 and later in Government of T.N. and Another Vs. A. Rajapandian4 and further examined by the three Judge Bench of this Court in B.C. Chaturvedi Vs. Union of India and Others5 wherein it has been held as under:*
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> > *"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*

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> *permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718] this Court held at p. 728 that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."*

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

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

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

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

28. It is true that strict rules of evidence are not applicable to departmental enquiry proceedings. However, the only requirement of law is that the allegation against the

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> *delinquent must be established by such evidence acting upon which a reasonable person acting reasonably and with objectivity may arrive at a finding upholding the gravity of the charge against the delinquent employee. It is true that mere conjecture or surmises cannot sustain the finding of guilt even in the departmental enquiry proceedings.*
>
> *29. The Constitutional Court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of malafides or perversity, i.e., where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at that findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained."*

(ii) More recently the Hon'ble Supreme Court in a judgment titled as ***State Bank of India vs. A.G.D. Reddy, 2023 SCC Online (SC) 1064***has held as under:-

> *"36. It is now well settled that the scope of judicial review against a departmental enquiry proceeding is very limited. It is not in the nature of an appeal and a review on merits of the decision is not permissible. The scope of the enquiry is to examine whether the decision-making process is legitimate and to ensure that the findings are not bereft of any evidence. If the records reveal that the findings are based on some evidence, it is not the function of the court in a judicial review to re-appreciate the same and arrive at an independent finding on the evidence. This lakshmanrekha has been recognized and reiterated in a long line of judgments of this Court."*

7.1. It is, therefore, indisputable that the scope of judicial review in matters pertaining to departmental inquiry proceedings is narrow and circumscribed. Such judicial review is not appellate in nature, nor does it extend to a re-evaluation of the merits of the decision rendered by the disciplinary authority. The writ jurisdiction of this Hon'ble Court is primarily confined to scrutinizing the legitimacy of the decision-making process, ensuring that the findings recorded are not devoid of evidentiary

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support, and that the inquiry has been conducted in consonance with the principles of natural justice. This Court, therefore, ought not to engage in a reappraisal of facts or evidence, but must restrict itself to examining procedural propriety and the adjudicatory framework employed by the disciplinary authority.The scope of interference is limited to ensuring fairness in treatment rather than fairness in the ultimate conclusion reached. Judicial intervention is warranted only in instances where the findings of the disciplinary authority are so manifestly perverse that no reasonable or prudent person could have arrived at such a conclusion. Similarly, if the decision suffers from a patent error apparent on the face of the record or is based on no evidence whatsoever, the writ jurisdiction of this Court may be exercised to prevent a grave miscarriage of justice. However, this Court neither functions as an appellate forum nor can it entertain plea(s) for the reassessment or re-appreciation of evidence, as such an exercise would transcend the permissible bounds of judicial review in matters of departmental inquiries.

8. Reverting to the facts of the *lis*in hand; it is common ground between the learned rival counsel, further substantiated by the records of the case, that the petitioner was afforded ample and adequate opportunities at every material stage of the disciplinary proceedings to present his defence and contest the allegations levelled against him. The inquiry was conducted by the competent authority in adherence to the fundamental principles of natural justice, ensuring that all procedural safeguards were observed. A thorough perusal of the record establishes that no procedural irregularity or infirmity marred the inquiry proceedings nor any departure from the established due process is discernible.

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9. The gravamen of the petitioner's contention, primarily hinges upon the assertion that the Inquiry Officer has failed to appreciate and assess the evidence in its true and proper perspective, thereby reaching an erroneous conclusion regarding the petitioner's culpability in the alleged misconduct. However, upon perusal *nay* analytical scrutiny of the findings recorded by the Inquiry Officer, particularly when examined against the backdrop of the entire evidentiary record, it becomes manifestly evident that the findings were arrived at only after a painstaking and exhaustive evaluation of the materials brought forth during the inquiry.The disciplinary proceedings in question entailed the examination of multiple witnesses whose testimonies were recorded and scrutinized in accordance with the prescribed procedure. The Inquiry Officer has examined several key witnesses; including Sh. Mohinder Singh Sidhwan (Advocate), Sh. Ravi Kumar (Process Server), Sh. Sandeep Singh (Process Server), Sh. Sumit Goel (Senior Assistant), Sh. Jasdeep Singh (Nodal Officer, Vodafone), Sh. Vipul Gupta (Nodal Officer, Bharti Airtel), Sh. Parminder Singh (Ahlmad), Sh. Anuj Aggarwal (one of the complainants), and Sh. Vikrant Singh (Ahlmad); to name a few. Each of these witnesses, possessing direct or circumstantial knowledge pertinent to the allegations under inquiry, provided depositions that were assessed and weighed by the Inquiry Officer. In addition to oral testimonies, relevant documentary evidence was diligently gathered, reviewed, and placed on record. The Inquiry Officer undertook a comprehensive scrutiny of the documentary material and it was only upon appraisal of both the oral and documentary evidence that the Inquiry Officer, vide its report dated 07.01.2023, recorded a finding of guilt against the petitioner. Thus, it is not appropriate to contend that the findings of the

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Inquiry Officer were devoid of evidentiary support or that the conclusion of guilt was based on mere conjecture and surmise. To the contrary, the record amply demonstrates that the petitioner was granted adequate opportunity to rebut the evidence marshaled against him and to adduce materials in his defence. In view of the factual matrix of the present case, it is evident that the petitioner issued summons in criminal complaints filed on behalf of Sh. Pankaj Mittal and Sh. Vikas Mittal without adhering to the mandatory statutory provisions enshrined in Section 202 of the Code of Criminal Procedure, 1973. This fact assumes significance in light of the fact that the complainants were listed as Facebook friends of the petitioner, and records indicate telephonic communications between them and the petitioner. Furthermore, the process server, Sh. Ravi Kumar, testified before the inquiry officer that, under verbal instructions and intimidation by the petitioner, he traveled to Nasik, Maharashtra, to serve the summon. This assertion is corroborated by mobile location records of the process server, Sh. Ravi Kumar. Considering these factor, it is evident that the inquiry officer's imputation of misconduct to the petitioner is well-founded and not without any material on record.

10. It is trite law that the sufficiency, adequacy, or quality of evidence adduced during a disciplinary proceeding falls within the exclusive domain of the competent authority conducting such proceedings. The standard of proof required in such inquiries is not akin to that in a criminal trial, where the principle of *'proof beyond reasonable doubt'* is applicable. Rather, disciplinary proceedings adhere to the principle of *'preponderance of probabilities'* wherein a finding of guilt may be sustained if, upon an objective assessment of the evidence, the probability of misconduct

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outweighs the probability of innocence. Thus, the contention advanced on behalf of the petitioner, challenging the adequacy and sufficiency of the evidence relied upon to establish guilt, is legally untenable and falls entirely outside the permissible scope of judicial review in the present writ petition. It is a settled canon of service jurisprudence that a writ court, while exercising its jurisdiction under Article 226 of the Constitution, is not to act as an appellate forum over the findings recorded in a duly conducted departmental inquiry. This Court is neither empowered nor obligated to undertake a re-evaluation or reappraisal of the evidence presented before the Inquiry Officer nor can it substitute its own opinion for that of the disciplinary authority, save in cases where the findings suffer from manifest perversity, patent illegality, or are rendered in complete absence of evidence. In the instant case, however, no such accentuating circumstances have been demonstrated by the petitioner that would call for interference by this Court in its plenary writ jurisdiction. It is not for this court to assess whether the conclusion arrived at by the Inquiry Officer in its report dated 07.01.2023, is the most appropriate or whether a different inference could have been drawn from the evidence on record.

11. *Ergo*, in view of the foregoing discussion, it is abundantly clear that the disciplinary proceedings against the petitioner were conducted strictly in accordance with law, procedural due process was adhered to, and the petitioner was afforded ample opportunity to defend himself. The Inquiry Officer's findings vide its report dated 07.01.2023, were rendered after a thorough and detailed examination of oral and documentary evidence, and no cogent grounds have been made out to warrant judicial interference. The petitioner's plea, which essentially invites this Court to reassess the evidence

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and substitute its own conclusion for that of the Inquiry Officer, is beyond the pale of permissible judicial review. Thus the subsequent acceptance of the inquiry report dated by the Vigilance & Disciplinary Committee vide its order dated 31.07.2023 and acceptance of the recommendations of the Vigilance & Disciplinary Committee by the Hon'ble Full Court vide minutes of 21st meeting of the year 2023 held on 06.10.2023 and the consequent dismissal of services of the petitioner vide order dated 14.11.2023 cannot be said to be bad in law. Consequently, the petitioner's challenge to the findings of the inquiry officer as also the consequent action(s) taken, is devoid of merit and does not warrant interference under this Court's writ jurisdiction. Thus, the petition in hand deserves dismissal.

Decision

12. In view of the preceding ratiocination, the writ petition in hand is dismissed. Pending application(s), if any, shall also stands disposed of. No order as to costs.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

March 24, 2025
Naveen/Ajay

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

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