

2025:PHHC:094534



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

RSA-3861-2013 (O&M)
DECIDED ON:08.07.2025

HANS RAJ SINGLA

...APPELLANT

VERSUS

STATE BANK OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Bal, Sr. Advocate with
Mr. D.S. Gill, Advocate
for the appellant

Mr. Sanjeev Roy, Advocate for
Mr. IPS Doabia, Advocate
for the respondents.

SANDEEP MOUDGIL, J

1. Prayer

The present appeal has been preferred against the judgment and decree dated 17.01.2013 passed by learned Additional District Judge, Sirsa whereby, the impugned judgment and decree dated 17.08.2010 passed by learned Civil Judge (Sr. Division), Sirsa, vide which the suit of the appellant-appellant/plaintiff stands dismissed, has been upheld.

2. Facts

The appellant-appellant/plaintiff, Hans Raj Singla, filed a civil suit seeking a declaration challenging the impugned order dated 23.10.2002. The challenge is primarily based on the ground that the original order of punishment passed by Defendant No. 2 was in violation of the principles of

natural justice. It is contended that the charge sheet served upon the appellant/plaintiff was vague and unauthentic. It lacked essential components such as a list of witnesses, a list of documents, and a statement of allegations. Moreover, the charge sheet was speculative in nature. Specifically, Charge No. 2 alleged that the appellant/plaintiff had abused Krishan Kumar, a Messenger, using offensive language involving his sister. However, neither the original complaint dated 21.04.2000 nor the comments submitted by Laxman Dass Mukhija, the Branch Manager, contained any such allegation. These words appear to have been inserted by Defendant No. 2 without any basis.

Furthermore, a copy of the report by Laxman Dass Mukhija, which formed the basis of the charge sheet, was not furnished to the appellant/plaintiff, thereby violating the mandatory provisions of the Central Vigilance Commission manual as adopted by the State Bank of India. Despite the appellant/plaintiff submitting a reply to the charge sheet, the Disciplinary Authority failed to consider it appropriately and, without due consideration, proceeded to wrongly indict the appellant/plaintiff.

Additionally, although Laxman Dass Mukhija was cited as a witness, he was never examined during the inquiry proceedings, thereby depriving the appellant/plaintiff of his right to cross-examine him to ascertain the truth. It is further alleged that the inquiry proceedings were conducted by Defendant No. 2 with mala fide intent and in a biased manner, adopting procedures unknown to law. The bank's witnesses were examined ex parte, and the appellant/plaintiff was not given an opportunity to cross-examine them.

As a result, the inquiry report was rendered without any evidentiary basis. Moreover, the Disciplinary Authority failed to apply an independent

mind and passed the impugned punishment order, which is also a non-speaking order. In light of these contentions, the appellant/plaintiff prays that the impugned order be set aside and the suit be decreed in his favour.

**3. Submissions
On behalf of appellant**

It has been contended by learned counsel for the appellant that the impugned order dated 23.10.2002 is liable to be set aside as it was passed in violation of the principles of natural justice. The charge sheet served upon the appellant was vague, lacked necessary particulars such as a list of witnesses, documents, and specific allegations, and was based on speculative and unsubstantiated charges, particularly charge No. 2, which included fabricated language not present in the original complaint or the Branch Manager's comments. It is argued that the crucial documents, including the Branch Manager's report, were not supplied to the appellant, contravening the Central Vigilance Commission manual. Furthermore, the inquiry was conducted in a biased and unfair manner by respondent/defendant No. 2, with witnesses examined *ex parte* and, therefore, the inquiry report is without evidentiary support, and the Disciplinary Authority, without independent application of mind, passed a non-speaking order. Accordingly, the appellant seeks that the impugned order be quashed and the suit decreed in his favour

On behalf of respondents

Learned counsel for the respondents has contended that the impugned orders dated 23.10.2002 and 05.02.2003 are legal, valid, and were passed after observing the principles of natural justice. The appellant/plaintiff was charge-sheeted on 26.09.2000 for grave misconduct based on a complaint dated 21.04.2000, and a preliminary inquiry established his use of abusive language and riotous behavior towards Krishan Kumar, a messenger. The

charge sheet was simple and self-explanatory, and since the appellant did not request any documents in his reply, there was no requirement to annex a list of witnesses or documents. It is further submitted that the inquiry was conducted fairly under the Vigilance Manual, and the appellant was given adequate opportunity to defend himself, including the right to cross-examine witnesses. However, due to the appellant's non-cooperation, including his conduct noted in the letter dated 11.05.2011, the Inquiry Officer was compelled to proceed ex parte. The findings of guilt were based on evidence and assessed on the standard of preponderance of probability, as is appropriate in departmental proceedings. Learned State counsel would further argued that the Disciplinary Authority independently considered all facts and circumstances before imposing the penalty of reduction by two stages in pay scale. The appellate authority, after examining the appellant's submissions, rightly upheld the order by passing a reasoned and speaking order on 05.02.2003. Thus, no procedural irregularity or prejudice was caused to the appellant, and all allegations to the contrary are denied.

4. Analysis & Conclusion

Upon careful consideration of the material on record and the submissions advanced by both parties, this Court finds that the impugned orders dated 23.10.2002 and 05.02.2003 suffer from multiple procedural irregularities and violations of principles of natural justice, warranting interference, as the charge sheet served upon the appellant was vague and lacked essential particulars such as a clear list of witnesses, documents, and a proper statement of allegations, therefore, without therebeing any specific use of abusive language, which was not reflected in the original complaint or any other supporting document. *Prima-facie* chargesheet seems to be suffer from defects and malafide intent. The Supreme Court in the case of "*Union of*

India v. Tulsiram Patel, (1985) 3 SCC 398, has held that a charge sheet must be specific enough to inform the charged person of the exact allegations so as to enable effective preparation of defense. Failure to do so violates natural justice.

The appellant was also not given a copy of the Branch Manager's report, which was important for the charges. This goes against the rules set by the Central Vigilance Commission Manual and denied the appellant a fair chance to defend himself, as held by the Apex Court in "*K.K. Verma v. Union of India*", AIR 1973 SC 1044. Not sharing such important documents is a serious procedural error.

Additionally, the inquiry officer did not examine key witnesses, including the Branch Manager, and the appellant was not allowed to cross-examine them. The Supreme Court in "*Maneka Gandhi v. Union of India*," AIR 1978 SC 597, has said that the right to cross-examine witnesses is essential for a fair inquiry. Holding the inquiry without allowing this makes the whole process invalid.

The inquiry was also conducted with bias and unfairness. The inquiry officer went ahead without the appellant's participation, claiming the appellant did not cooperate, but this was not clearly proven. According to "*S. Padmanabhan v. State of Tamil Nadu*," AIR 1977 SC 267, an inquiry officer must give a fair chance before continuing without the accused.

The disciplinary authority accepted the flawed inquiry report without applying independent mind or assigning reasons, resulting in a non-speaking order. The Supreme Court in "*State of Punjab v. Jagjit Singh*", AIR 1994 SC 1453, has held that orders lacking reasoning and independent application of mind are legally unsustainable.

In light of the discussions made hereinabove, this Court holds that the appellant's right to a fair and unbiased inquiry was substantially violated, rendering the entire disciplinary proceedings and consequent punishment void. Therefore, the impugned orders dated 23.10.2002 and 05.02.2003 are hereby quashed. The appellant shall be given all consequential benefits in accordance with law and departmental rules.

In the afore-said terms, the present appeal is allowed.

(SANDEEP MOUDGIL)
JUDGE

08.07.2025
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*