



**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

219

(1)

CWP-16573-2020

Date of Decision: 27.08.2025

Union of India and others

....Petitioners

Versus

Shami Chand Mehmi and another

....Respondents

(2)

CWP-4151-2022

Shami Chand Mehmi

....Petitioner

Versus

Union of India and others

....Respondents

(3)

CWP-1332-2021

Union of India and others

....Petitioners

Versus

Shami Chand Mehmi and another

....Respondents

(4)

CWP-16397-2020

Union of India and others

....Petitioners

Versus

Shami Chand Mehmi and another

....Respondents

(5)

CWP-4363-2022

Shami Chand Mehmi

....Petitioner

Versus

Union of India and others

....Respondents



**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Ashish Rawal, Advocate
for the petitioners (in CWP-1332-2021) and
for respondent No.1 (in CWPs No.4151 and 4363 of 2022).

None for the petitioners
(in CWPs No.16573 and 16397 of 2020).

None for the respondents.

Harsimran Singh Sethi, J. (Oral)

1. All the writ petitions are being disposed of through a common order as common question of law upon common factual matrix is involved in all the cases.
2. In the present bunch of petitions, the challenge is to the order dated 23.01.2019 (Annexure P-5) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, (hereinafter to be referred as 'the Tribunal'), by which, the charge sheet impugned by "Shami Chand Mehmi" has been quashed on the ground that the same has been issued by an authority not competent to do so thus, praying a direction has been given to the State to issue charge sheet in accordance to the mandate of Tribunal in Original Application No.060/00974/2014 decided on 18.01.2017 that Engineer-in Chief is the competent authority.



-: 3 :-

3. Learned counsel for the petitioners submits that the competent authority to issue a charge sheet to a Junior Engineer is the Chief Engineer and not the Engineer-in-Chief and therefore, the order passed by the Tribunal dated 23.01.2019 is incorrect and may kindly be set aside.

4. We have heard the learned counsel for the petitioners and have gone through the record with his able assistance.

5. It may be noticed that the respondent was issued a charge sheet on 03.01.2012, which led to the passing of the order of punishment against respondent which order of punishment was also challenged. The challenge to said order was raised on the ground that the charge sheet has been served upon respondent by an incompetent authority and therefore, the charge sheet and the consequent proceedings may kindly be set aside.

6. While dealing with the said issue, the Tribunal vide order dated 18.01.2017 passed in Original Application No.060/00974/2014, while setting aside the order of punishment held as under in paragraph 19, which is reproduced hereunder for ready reference:-

“19. As depicted hereinabove, the facts of the case are neither intricate nor much disputed, and fall within a very narrow compass. It is not a matter of dispute that the applicant was working and holding the post of Junior Engineer (QS&C) in the pay scale of Rs.9300-34800/- with grade pay of Rs.4600 in Pay Band (PB)-2, at the relevant time. As per notification dated 09.04.2009 (Annexure A-14), the post, which the applicant was holding, was converted to 'Group B Non-Gazetted, Subordinate Service Post. Sequelly, as per the Schedule (Annexure A-13) attached to CCS (CC&A) Rules, 1965, the Competent Authority



-: 4 :-

for that post is Engineer-in-Chief. A perusal of the record would reveal that the Chief Engineer (not the Engineer-in-Chief) decided regular departmental enquiry to hold the against the applicant, issued impugned charge-sheets and recorded disagreement notes, which admittedly is not the Competent Authority of the pointed post of the applicant at the relevant time. In fact, the Engineer-in Chief was the Competent Authority. Not only that, this fact has also been acknowledged by the respondents in para 13(d) of the written statement, wherein it was categorically admitted that the Engineer-in Chief is the Disciplinary Authority and the President of India is the Appellate Authority in this case. Therefore, it leaves no manner of doubt that indeed the Competent Authority of the applicant was Engineer-in-Chief at the relevant time.”

7. A bare perusal of the above would show that a categoric finding was recorded by the Tribunal that the Engineer-in Chief was the competent authority at the relevant time to issue the charge sheet as well as the consequent proceedings against the respondent and the same were set aside on the ground that same was not done by the competent authority as the same were issued by Chief Engineer but liberty was granted to the petitioner to proceed against the respondent in accordance with law.

8. Though, the order passed by the Chief Engineer imposing the punishment was set aside on the ground that the competent authority in case of the respondent is Engineer-in Chief but, once again while passing afresh order, rather than Engineer-in Chief, the Chief Engineer passed an order. Feeling dis-satisfied against the said order, the Original Application bearing No.60/1478/2017 was filed by the respondent which was decided while



-: 5 :-

passing the impugned order dated 23.01.2019. The Tribunal has held that once the earlier order dated 18.01.2017 passed between the parties had attained finality, wherein a finding had been recorded by the Tribunal that the Engineer-in Chief is the competent authority to issue charge sheet and conduct the subsequent proceedings qua the respondent, issuance of a charge sheet by the Chief Engineer of the Command is contrary to the decision of the Tribunal dated 18.01.2017 and rules governing the said issue and therefore, the said charge sheet has also been set aside again.

9. Learned counsel for the petitioners submits that the earlier decision of the Tribunal dated 18.01.2017 recording the finding that Engineer-in Chief is the competent authority, is incorrect.

10. On being asked whether, the said decision passed by the Tribunal has been challenged before the competent Court of law or even before this Court, qua determination of competent authority, learned counsel for the petitioners submits that the same has not been challenged rather it has been implemented. It should be noted that once, the decision dated 18.01.2017 between the parties has attained finality, it is only according to the said decision, the further disciplinary proceedings could have been undertaken by the petitioner against the private respondents.

11. Learned counsel for the petitioners concedes that as per the decision dated 18.01.2017 which was the decision given in earlier round of litigation, qua same issue, in paragraph 19 of said decision, which has been reproduced hereinabove, Engineer-in-Chief has been held to be competent



-: 6 :-

authority to initiate disciplinary proceedings including the charge sheet against the respondent that being so, any other authority issuing a charge sheet against the respondent cannot be treated as a valid authority especially when, a categorical finding had already been recorded on the said aspect which had already attained finality between the parties.

12. Learned counsel for the petitioners submits that the Chief Engineer is also a competent authority to issue charge sheet and hold disciplinary proceeding.

13. It may be noticed that in case, the petitioner was of the view that the Chief Engineer was a competent authority to issue charge sheet and conduct proceedings then why the earlier order dated 18.01.2017 was not challenged wherein also, the Chief Engineer of the Jalandhar Zone had issued charge sheet which was set aside by recording a finding that Engineer-in Chief is the competent authority to initiate disciplinary proceedings against the respondent. Once, an earlier charge sheet issued by Chief Engineer has been held to be invalid and a categorical finding has been recorded therein that only the Engineer-in-Chief has the authority to issue the charge sheet, again reiterating the same issue without even challenging the order dated 18.01.2017, which order had attained finality between the parties, the contention of petitioner that the Chief Engineer is the competent authority to issue a charge sheet, cannot be accepted.

14. Learned counsel for the petitioners has not been able to show that the impugned order dated 23.01.2019 passed by the Tribunal is perverse to the

CWP-16573-2020
CWP-4151-2022
CWP-1332-2021
CWP-16397-2020 and
CWP-4363-2022

2025:PHHC:114814-DB



-: 7 :-

facts on record or the settled principle of law, especially the earlier litigation which has attained finality between the parties, no ground is made out for interference by this Court.

15. The present writ petitions are dismissed.

16. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 27, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No