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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

***Date of Decision: 7th July, 2026.***

\+ W.P.(C) 4677/2019

SH. C. L. ARORA .....Petitioner

Through: Mr. Basab Sengupta, Advocate.

versus

MANAGING DIRECTOR, C.W.C. AND ORS. .....Respondents

Through: Mr. K.K. Tyagi, Mr. Iftekhar Ahmad and Ms. Garima Tyagi, Advocates.

**CORAM:**
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**JUDGMENT**

**SANJEEV NARULA, J. (Oral):**

1. The Petitioner, a retired employee of the Central Warehousing Corporation,[1] assails the disciplinary proceedings initiated against him in relation to the alleged non-accounting of 440 bags of FCI wheat at Central Warehouse, Shahjahanpur. The challenge is directed against the findings of the Inquiry Officer dated 08th June, 2018, the penalty order dated 20th August, 2018, the consequential Part-II office order dated 08th October, 2018, and the order dated 08th February, 2019 passed by the Appellate Authority/Executive Committee rejecting his departmental appeal.

2. By the impugned penalty order, the Petitioner was visited with the penalty of reduction of pay by two stages in the time scale of pay for a

[1] "CWC"

period of four years without cumulative effect. It was also directed that his period of suspension would not be treated as spent on duty. Since the Petitioner was due to retire on 31st December, 2021, the balance amount of penalty was directed to be recovered from his retiral dues.

***Facts***

3. The Petitioner was posted as Warehouse Manager, Central Warehouse, Shahjahanpur, from 12th April, 2010 to 09th August, 2011. On 18th March, 2015, he was issued a charge memorandum proposing major penalty proceedings under Regulation 61 read with Regulation 59 of the CWC (Staff) Regulations, 1986. The memorandum enclosed the articles of charge, statement of imputations, list of documents, and list of witnesses. The charge memorandum itself recorded that the substance of imputations was set out in Annexure-I and that the statement of imputations in support of each article of charge was enclosed as Annexure-II.

4. Two articles of charge were framed. Article I alleged that while working as Warehouse Manager, CW Shahjahanpur, the Petitioner caused deliberate financial loss to CWC by misappropriating 440 bags of FCI wheat, as detailed in Annexure-II, and that FCI deducted Rs.5,84,933/- from the storage charge bills of CWC. The article further alleged that by the said act, the Petitioner failed to maintain absolute integrity, acted in a manner unbecoming of a public servant, caused financial loss to the Corporation, and acted in a manner prejudicial to the interest of the Corporation, thereby contravening Regulation 39(i)(a) and (c) read with Regulation 40(v) of the CWC (Staff) Regulations, 1986. Article II alleged failure to supervise staff working under his command and authority.

5. The statement of imputations set out the factual foundation of Article

I in considerable detail. It recorded that truck No. UP27T1016 came to the warehouse on 27th May, 2011 carrying 450 bags of wheat. The weighment particulars referred to in the imputation showed 440 bags, weighing 217.02.400 quintals, after excluding 10 bags. The imputation also referred to the remarks on the truck chit, the controversy whether the stock had been rejected and returned, the entry of the loaded truck in the gate register, and FCI's subsequent allegation that 440 bags had not been accounted for.

6. The imputation further records that, on receipt of FCI's communication, the Petitioner wrote to FCI on 03rd/05th August, 2011 stating that the stock in question had not been received in the warehouse. It then referred to the subsequent letter/note dated 06th February, 2012 addressed by the Petitioner to the Warehouse Manager, CW Shahjahanpur, stating that the 440 bags claimed by FCI had been found at CRWC during final delivery; that they could not earlier be traced due to stacking fault; and that their receipt be acknowledged in FCI's account. The statement of imputations also noticed that the then Warehouse Manager called for the Petitioner's explanation, pointing out that physical verification had been conducted and that no faulty stacking had been reported.

7. The Petitioner's subsequent explanation was that the letter dated 06th February, 2012 had been issued under a state of confusion. The charge, however, proceeded on the footing that this explanation lacked any factual foundation. It was alleged that the Petitioner had, without any supporting record or material, introduced the claim that 440 bags had been received at the CRWC godowns at Roza; that he had failed to maintain effective supervision and control over the staff and operations of the centre; and that, instead of discharging accountability commensurate with his

responsibilities, had sought to deflect responsibility onto others.

8. The Petitioner denied the charges. An Inquiry Officer was appointed. The Inquiry Officer did not hold that the charge of deliberate financial loss by misappropriation stood proved. He found that the Presenting Officer had primarily relied upon the Petitioner's letter dated 06th February, 2012 and that, though the letter indicated an attempt to mislead and confuse the Warehouse Manager, it did not establish misappropriation. The Inquiry Officer also found that the allegation of causing deliberate financial loss to CWC was not proved. Nonetheless, he concluded that the issuance of the letter dated 06th February, 2012 demonstrated that the Petitioner had acted in a manner unbecoming of a public servant. Article I was, therefore, held partly proved to that extent. Article II was held not proved.

9. The Petitioner submitted a representation dated 01st August, 2018 assailing the inquiry report. He contended that the concept of a charge being "partly proved" is alien to disciplinary jurisprudence, as a charge must ultimately stand either proved or not proved on the basis of the evidence led. According to him, the finding recorded with reference to the letter dated 06th February, 2012 travelled beyond the scope of Article I, which was confined to the allegation of misappropriation. He further urged that the reference to the said letter in the statement of imputations was merely ancillary to, and supportive of, the principal charge. Consequently, once the core allegation of misappropriation was held not established, the supporting circumstance embodied in the letter dated 06th February, 2012 could not, by itself, furnish an independent basis to sustain Article I, whether wholly or in part.

10. The Disciplinary Authority considered the inquiry report, the record of inquiry, and the Petitioner's representation. It rejected the Petitioner's

explanation and held that the Petitioner had unnecessarily and wrongfully complicated the matter, apparently to defuse the deduction made by FCI, by alleging in his letter dated 06th February, 2012, that the 440 bags had been found during final delivery of stocks. The Disciplinary Authority further held that the writing of the letter dated 06th February, 2012 was not only unbecoming of a public servant, but had also complicated the matter and given rise to suspicion. On that basis, the penalty noticed above was imposed.

11. The Petitioner preferred an appeal dated 28th August, 2018. The Appellate Authority/Executive Committee rejected the appeal by order dated 08th February, 2019. The decision was communicated to the Petitioner by memorandum dated 21st February, 2019.

***Outline of the Submissions***

12. Counsel for the Petitioner submits that the disciplinary authorities have ultimately imposed punishment for an allegation that never formed part of the article of charge. It is contended that Article I specifically alleged misappropriation of 440 bags of wheat resulting in financial loss to the Corporation. Once the Inquiry Officer returned a finding that neither misappropriation nor financial loss stood proved, the very foundation of the charge collapsed, leaving no surviving misconduct capable of sustaining the penalty. According to the Petitioner, the letter dated 06th February, 2012 was referred to in the statement of imputations merely as a circumstance supporting the allegation of misappropriation and was never framed as an independent charge of misconduct.

13. It is further urged that the Inquiry Officer travelled beyond the scope of the charge-sheet in recording a finding of "unbecoming conduct" solely

on the basis of the letter dated 06th February, 2012. The Petitioner submits that a delinquent employee can be proceeded against only in respect of a charge specifically framed and communicated to him, and cannot be held guilty of a distinct misconduct not forming part of the charge-sheet. Reliance is placed on ***Narinder Mohan Arya v. United India Insurance Co. Ltd.,***[2] to contend that disciplinary findings must rest on legally admissible evidence in support of the charge framed and cannot be sustained on conjectures, suspicion, or allegations introduced outside the charge-sheet.

14. The counsel further contends that both the disciplinary and appellate orders are cryptic and disclose no meaningful consideration of the issues raised by him. It is urged that the Appellate Authority failed to independently assess the grounds urged in appeal and merely affirmed the decision of the Disciplinary Authority. The Petitioner also relies upon the delay in conclusion of the disciplinary proceedings, the pendency of the criminal proceedings arising from the same incident, and the alleged non-supply of his letter dated 03rd/05th August, 2011, which, according to him, constituted a material defence document.

15. *Per contra*, counsel appearing for the CWC submits that the writ petition seeks nothing more than a reappreciation of evidence, which lies outside the permissible scope of judicial review in disciplinary matters. It is contended that Article I cannot be read in isolation from Annexure-II forming part of the charge memorandum. The statement of imputations specifically referred to the Petitioner's contradictory explanations, including the letter dated 03rd/05th August, 2011 and the subsequent letter dated 06th February, 2012, and treated the latter as a material circumstance evidencing

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[2] (2006) 4 SCC 713

misconduct. According to CWC, the Petitioner was, therefore, at all times aware of the allegations he was required to meet and cannot now contend that the finding recorded with reference to the letter dated 06th February, 2012 travelled beyond the charge-sheet.

16. Counsel further submits that the Petitioner's representation dated 01st August, 2018 against the inquiry report, as well as the statutory appeal, demonstrate that he fully understood the case set up against him and addressed the issue relating to the letter dated 06th February, 2012 on merits. It is therefore argued that no prejudice whatsoever has been caused to the Petitioner. It is additionally submitted that the penalty imposed is moderate in nature and does not warrant interference under Article 226 of the Constitution on the ground of disproportionality.

***Points for determination***

17. On the basis of the record and the submissions advanced by counsel, the following questions arise for consideration:

(i) What is the permissible scope of judicial review in the present disciplinary matter?

(ii) Whether the finding that the Petitioner acted in a manner unbecoming of a public servant, on the basis of the letter dated 06th February, 2012, travels beyond the charge framed against him?

(iii) Whether the said finding is supported by material on record, or is vitiated by perversity?

(iv) Whether the orders passed by the Disciplinary Authority and the Appellate Authority suffer from want of reasons or procedural infirmity warranting interference?

(v) Whether the penalty-imposed calls for interference in exercise of writ jurisdiction?

***Scope of judicial review***

18. The contours of judicial review in disciplinary matters are no longer *res integra*. The Court, while exercising jurisdiction under Article 226 of the Constitution, does not function as an appellate forum over the findings returned by the Inquiry Officer, the Disciplinary Authority, or the Appellate Authority. In ***State of A.P. v. S. Sree Rama Rao,***[3] the Supreme Court held that where there exists some evidence which may reasonably support the conclusion reached by the departmental authorities, the High Court cannot reappreciate the evidence, reassess its adequacy or reliability, or substitute its own view merely because another conclusion is possible on the same material.

19. The principle was reaffirmed in ***Union of India v. P. Gunasekaran***,[4] wherein the Supreme Court reiterated the limited scope of judicial review in disciplinary matters. The High Court does not sit as an appellate authority over the findings recorded in a departmental inquiry. It cannot reappreciate the evidence, examine its adequacy or reliability, correct errors of fact however grave, or interfere with findings which are supported by some legal evidence. Nor can it interfere with the quantum of punishment save where the penalty is so disproportionate as to shock the conscience of the Court.

20. The same rationale informs the decision in ***Deputy General Manager (Appellate Authority) v. Ajai Kumar Srivastava,***[5] wherein the Supreme Court reiterated that the power of judicial review in disciplinary matters is confined to correcting errors of law, procedural irregularities resulting in

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[3] AIR 1963 SC 1723
[4] (2015) 2 SCC 610

manifest injustice, violations of the principles of natural justice, mala fides, or perverse findings unsupported by any evidence. The writ court does not sit as an appellate authority over departmental findings and cannot reappreciate the evidence or interfere merely because another view is possible on the material on record.

21. At the same time, the self-imposed limitations governing judicial review do not require the Court to remain indifferent to foundational defects in the disciplinary process. Judicial restraint cannot be conflated with judicial abdication. Where a delinquent employee is ultimately held guilty on a basis that was never made part of the charge, or where the findings are unsupported by legally tenable evidence, judicial intervention would be warranted.[6] In this context, ***Narinder Mohan Arya v. United India Insurance Co. Ltd.***, is also instructive. The Supreme Court has emphasized that disciplinary authorities cannot travel beyond the articles of charge and that punishment founded upon a finding which was not the subject-matter of the charge is unsustainable in law. Equally, the evidence relied upon must have a nexus with the charge framed and cannot rest on mere suspicion, conjecture, or hypothesis.

***Whether the finding travels beyond the charge***

22. The Petitioner's principal submission appears, at first blush, to carry some force. The essence of Article I was that 440 bags of wheat had allegedly been misappropriated, resulting in financial loss to the Corporation. The Inquiry Officer did not return a finding that misappropriation stood proved. Nor did he conclude that the deduction of

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[5] (2021) 2 SCC 612
[6] ***M.V. Bijlani v. Union of India,*** (2006) 5 SCC 88. (Not cited by either party, but considered relevant by

INR 5,84,933/- from the Corporation's storage bills was attributable to any act of misappropriation by the Petitioner. Proceeding on that basis, it is contended that once the allegation of misappropriation failed, nothing survived for consideration under Article I.

23. The submission, however, overlooks the manner in which a charge in disciplinary proceedings is required to be construed. An article of charge cannot be read in isolation or with the strictness applicable to a penal statute. It must be understood together with the statement of imputations, which furnishes the factual foundation, particulars, and contours of the misconduct alleged.[7] The touchstone is not a hyper-technical reading of the charge, but whether the delinquent officer was given clear notice of the case he was required to answer. That requirement is satisfied where the article of charge, the statement of imputations, and the relied-upon documents, read cumulatively, adequately disclose the conduct alleged against the employee.

24. Tested on that standard, the present case admits of little ambiguity. The statement of imputations did not make a passing or incidental reference to the Petitioner's letter dated 06th February, 2012. On the contrary, it devoted substantial attention to the Petitioner's inconsistent and shifting explanations regarding the missing stock. It recorded that the Petitioner had initially informed FCI through communications dated 03rd/05th August, 2011 that the stock in question had never been received. It then noted that, by his subsequent letter dated 06th February, 2012, he took a materially different position by stating that the 440 bags had, in fact, been located at CRWC during final delivery and had remained untraceable earlier because of a

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the Court.)

[7] ***Union of India v. Gyan Chand Chattar***, (2009) 12 SCC 78;See also: ***State of M.P. v. Akhilesh Jha***,

stacking fault. The imputation further referred to the explanation sought from the Petitioner, his subsequent assertion that the letter had been issued under confusion, and the allegation that such contradictory explanations had the effect of misleading and obscuring the true position. The Petitioner was, therefore, expressly put on notice that his conduct in relation to the said communication formed an integral part of the allegations under examination.

25. Equally significant is the fact that Article I was not confined to a bare allegation of misappropriation. The charge also alleged failure to maintain absolute integrity, conduct unbecoming of a public servant, conduct prejudicial to the interests of the Corporation, and actions resulting in financial detriment. Article I expressly incorporated the particulars contained in Annexure-II by using the words "as per details given in Annexure-II." The statement of imputations thus constituted the factual substratum of the charge itself. Consequently, the allegations concerning the Petitioner's contradictory stand, including the contents of the letter dated 06th February, 2012, cannot be treated as matters dehors the charge.

26. The course of the disciplinary proceedings further demonstrates that the Petitioner himself understood the nature of the case he was called upon to meet. In his representation dated 01st August, 2018, he specifically addressed the letter dated 06th February, 2012, contending that it had been issued under confusion and that it did not form the core of Article I. A similar defence was reiterated in appeal. These submissions make it evident that the Petitioner was fully conscious of the significance attributed to the said communication in the disciplinary proceedings and had a complete opportunity to explain or rebut the allegation. The plea of lack of notice or

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(2021) 12 SCC 460.

unfair surprise is therefore unsustainable.

27. The principles enunciated in *M.V. Bijlani* and *Narinder Mohan Arya* are beyond dispute. An employee cannot be held guilty on the basis of a charge never framed, nor can the disciplinary authority travel beyond the allegations of which the delinquent had notice. Those decisions, however, operate where a new foundation of guilt is introduced without affording the employee an opportunity to meet it, or where reliance is placed upon material wholly outside the charge-sheet. The present case stands on a different footing. The conduct concerning the letter dated 06th February, 2012 was specifically incorporated in the statement of imputations, formed part of the inquiry proceedings, was squarely addressed by the Petitioner in his defence, and was ultimately considered by the disciplinary authority. In such circumstances, it cannot be said that the Petitioner was punished for any allegation that was foreign to, or beyond the scope of, Article I.

28. The principles of natural justice are concerned not with form, but with fairness in substance. The inquiry, therefore, is not whether the communication dated 06th February, 2012 was separately designated as Article III in the charge memorandum. The pertinent question is whether the Petitioner was aware that his inconsistent and mutually contradictory explanations concerning the 440 bags formed part of the allegations of misconduct levelled against him; and whether he was afforded a fair and adequate opportunity to meet that allegation. The record admits of little doubt on either aspect. The charge proceedings, read as a whole, unmistakably conveyed the substance of the accusation, and the Petitioner was fully aware of the case he was required to answer. He also availed of the opportunity to contest the allegation during the disciplinary proceedings.

29. This conclusion is reinforced by the settled prejudice doctrine articulated in ***State Bank of Patiala v. S.K. Sharma,***[8] and reiterated in ***Canara Bank v. V.K. Awasthy***.[9] The law does not countenance the invalidation of disciplinary proceedings on the basis of mere technical or procedural irregularities unless such irregularity either strikes at the root of the proceeding or results in demonstrable prejudice to the delinquent employee. The burden lies upon the person alleging procedural infirmity to establish that the lapse had a real bearing on the fairness of the process or the conduct of the defence. In the present case, the Petitioner has failed to demonstrate any such prejudice. There is nothing on record to indicate that, had the letter dated 06th February, 2012 been separately described or differently captioned in the charge memorandum, the nature of his defence, the evidence led by him, or the course of the enquiry would have been materially different. The objection is therefore essentially technical in nature and does not go to the fairness of the proceedings.

***Whether the imputed conduct constituted misconduct***

30. It is necessary to state clearly what is, and what is not, being upheld. The Court is not holding that the Petitioner misappropriated 440 bags of wheat. The Inquiry Officer did not return such a finding, and the Disciplinary Authority did not issue any disagreement note to revive that allegation. The charge of misappropriation, as such, cannot be treated as proved.

31. Equally, however, the failure of the allegation of misappropriation does not render the Petitioner's conduct in issuing the letter dated 06th

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[8] (1996) 3 SCC 364
[9] (2005) 6 SCC 321

February, 2012 irrelevant or innocent. The controversy concerned 440 bags of wheat, shown in the imputation as 217.02.400 quintals, and a deduction of Rs.5,84,933/- by FCI from CWC's storage charge bills. This concerned public stock, warehousing records, inter-agency accounts, and potential financial liability of the Corporation.

32. The Petitioner was the Warehouse Manager during the relevant period. A Warehouse Manager is the officer responsible for the sanctity of receipt, storage, accounting and delivery records. In such a position, statements made in official correspondence concerning the existence or non-existence of stock cannot be treated lightly.

33. The Petitioner first took the stand that the stock was never received in the warehouse. Later, by letter dated 06th February, 2012, he stated that the 440 bags had been found during final delivery, that they could not be traced earlier due to stacking fault, and that their receipt be acknowledged in FCI's account. Still later, he stated that this letter had been written under confusion. The bags were admittedly not found or accounted for on the basis of the Petitioner's statement.

34. A responsible warehouse officer cannot issue an official communication stating that 440 bags of wheat have been found, and later retreat to the explanation of confusion, without attracting disciplinary scrutiny. The issue is not whether his conduct proves theft or misappropriation. The issue is whether such an official assertion, made without adequate basis and contrary to his own earlier stand, was conduct unbecoming of a public-servant. The disciplinary authority was entitled to answer that question in the affirmative.

35. It is true that mere error of judgment is not misconduct. But the

present case is not one of a solitary error in assessment made under pressure. The Petitioner's letter was not an internal hesitation or an oral guess. It was an official written communication concerning substantial stock, made after FCI had raised a claim and after CWC's liability was in issue. The letter had the tendency to confuse the accounting position, weaken the institutional response, and complicate an already serious dispute with FCI.

36. The finding against the Petitioner is also not one based on suspicion alone. The Disciplinary Authority did use the expression that the letter "complicated the matter leading to suspicion". That expression, read in isolation, may appear imprecise. But the foundation of the finding is not mere suspicion. It is the Petitioner's own letter dated 06th February, 2012, read with his earlier letter dated 03rd/05th August, 2011 and his subsequent explanation that the later letter was written under confusion. These were matters on record and were considered in the inquiry.

37. The Disciplinary Authority did not penalise the Petitioner for misappropriation. The penalty rests on the narrower conclusion that the Petitioner acted in a manner unbecoming of a public servant by making inconsistent official assertions in relation to a substantial quantity of wheat entrusted to the warehouse system. That conclusion is founded on some evidence; it is neither irrational nor unsupported by the record; and it therefore falls outside the limited scope of judicial review.

***The expression "partly proved"***

38. Much emphasis was placed on the Inquiry Officer's use of the expression "partly proved". There is nothing inherently impermissible in an inquiry authority concluding that certain components of a charge stand established while others do not, provided the misconduct ultimately held

proved falls within the scope of the charge-sheet and the delinquent officer had adequate notice of the case he was required to meet.

39. Departmental charges are frequently composite in nature. A single article of charge may encompass the impugned act, its consequences, and the provisions of the service rules alleged to have been violated. The evidence may establish some elements of the charge while falling short of proving others. In such circumstances, the inquiry authority is neither obliged to return an all-or-nothing finding nor precluded from recording a conclusion confined to those aspects of the charge which stand proved on the material available.

40. The nomenclature employed by the Inquiry Officer is, therefore, not decisive. What is material is the substance of the finding returned. In the present case, the Inquiry Officer specifically concluded that the allegations of misappropriation and financial loss had not been established. At the same time, he found that the contents of the Petitioner's letter dated 06th February, 2012 constituted conduct unbecoming of a public servant. That conduct was expressly set out in the statement of imputations and was alleged to be in breach of Regulation 39(i)(c). The Petitioner was thus on clear notice of the allegation and had full opportunity to contest it during the inquiry. In these circumstances, the use of the expression "partly proved" does not vitiate the finding or render the disciplinary proceedings legally infirm.

***Reasons recorded by the DA and AA***

41. The Petitioner next submits that the Disciplinary Authority and Appellate Authority failed to record adequate reasons. The Disciplinary Authority's order is certainly brief. A more elaborate discussion would have been preferable. However, the order cannot be said to be a non-speaking

order. It notices the Petitioner's principal submission that there is no concept of partial proof and that the letter dated 06th February, 2012 was written under confusion and was not connected with the article of charge. It then records the Disciplinary Authority's conclusion that the Petitioner unnecessarily and wrongfully complicated the matter by issuing the letter dated 06th February, 2012 and that the act was unbecoming of a public servant.

42. The requirement of recording reasons does not mandate an elaborate discussion of every contention raised by the delinquent officer. What is required is that the order demonstrates due application of mind to the issues arising for consideration. The order cannot be set aside merely because it did not discuss every argument in the manner expected from a judicial order.

43. The appellate order is also brief. However, it records consideration of the appeal, the agenda, and the relevant record, and affirms the penalty as commensurate with the gravity of the misconduct. Where the Appellate Authority concurs with the Disciplinary Authority and the controversy has been identified, the appellate order need not reproduce the entire factual and legal discussion unless the applicable regulations require a particular form. No prejudice has been shown on this account.

44. The Court also bears in mind that the finding ultimately sustained is narrow. The penalty imposed is reduction of pay by two stages for four years without cumulative effect. In these circumstances, the reasons recorded, though concise, cannot be held to have occasioned failure of justice.

***Other grounds***

45. The Petitioner's contention that the disciplinary proceedings ought not

to have continued during pendency of the criminal case is also without merit. The law does not impose an absolute bar on simultaneous criminal and departmental proceedings. Stay of departmental proceedings may be justified where the criminal case and departmental inquiry rest on identical facts, involve complicated questions, and continuation of the inquiry would prejudice the defence in the criminal trial. No such prejudice has been demonstrated here. The disciplinary finding now sustained is not a finding of criminal misappropriation, but of unbecoming conduct in official correspondence.

46. The ground of delay also does not persuade the Court to interfere. The charge memorandum was issued on 18th March, 2015 and the inquiry report was submitted on 08th June, 2018. The Petitioner has relied upon Government/CVC instructions and the decision in ***Prem Nath Bali v. Registrar, High Court of Delhi***.[10] The proposition that departmental proceedings should be concluded expeditiously cannot be doubted. Delay may, in an appropriate case, vitiate proceedings if it causes prejudice. But every delay does not automatically nullify disciplinary action. In the present case, the Petitioner has not shown any specific prejudice affecting his defence. The material issue turned largely on contemporaneous documents, particularly the Petitioner's own letter dated 06th February, 2012.

47. The plea regarding non-supply of the Petitioner's letter dated 03rd/05th August, 2011 also does not justify interference. The letter was the Petitioner's own communication and its substance was known to him. More importantly, the Petitioner relied upon the same stand, namely that the stock was not received, in his defence. The Inquiry Officer accepted the position

to the extent of not holding misappropriation proved. Therefore, even assuming some lapse in supply of the document, no prejudice survives.

***Penalty***

48. The last question is proportionality. The misconduct sustained is not misappropriation, but the issuance of an official communication in respect of substantial public stock, stating that 440 bags had been found, when that assertion was contrary to the Petitioner's earlier stand and was later sought to be explained away as having been made under confusion. The Disciplinary Authority was entitled to view such conduct seriously.

49. A public warehousing corporation functions on the integrity of its stock records. A warehouse officer's written assertion that a large quantity of food grain has been found cannot be casual, speculative, or capable of being withdrawn as a matter of convenience. The Petitioner was not found guilty of the graver allegation of misappropriation; but that does not absolve him of accountability for issuing a communication.

50. The penalty imposed is not dismissal, removal, compulsory retirement, or reduction with cumulative effect. It is reduction of pay by two stages for four years without cumulative effect, along with the direction that the period of suspension shall not be treated as spent on duty. The Court cannot substitute its own view on penalty merely because another view may also be possible. Under the settled principles laid down in *P. Gunasekaran***,** interference with penalty is warranted only where it shocks the conscience of the Court. This is not such a case.

***Conclusion***

51. For the foregoing reasons, this Court finds no ground to interfere with

[10] (2015) 16 SCC 415

the inquiry report dated 08th June, 2018 to the extent Article I was held partly proved, the penalty order dated 20th August, 2018, the consequential office order dated 08th October, 2018, or the appellate order dated 08th February, 2019 communicated on 21st February, 2019.

52. The writ petition is dismissed. Pending applications, if any, also stand disposed of.

**SANJEEV NARULA, J**

**JULY 7, 2026**
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