

Chandigarh, dated the 30-7-25

To

All the Administrative Secretaries/
Head of Departments/ Offices/
Institutions/Boards/Corporations
Chandigarh Administration

Subject:- Handling of Disciplinary Proceedings

Sir/Madam

I am directed to address you on the subject noted above and to state that the Department of Personnel and Training, Government of India has issued guidelines regarding Handling of Disciplinary Proceedings in respect of Central Civilian employees vide O.M. dated 26.03.2024. Para 22.1 of the guidelines provide that *"the disciplinary/appellate/reviewing authorities exercise quasi-judicial powers and as such, they cannot delegate their powers to their subordinates. It is, therefore, essential that the decision taken by such authorities are communicated by the competent authority under their own signatures."*

2. In this regard, similar conclusion has also been made by the Hon'ble Punjab and Haryana High Court in its judgment order dated 04.03.2025 passed in CWP No. 2316-2020 titled as Suresh Pal Vs. UHBVNL and Others. The concluding paras of the said judgment are as under:-

- (i) Whenever a quasi-judicial authority or a purely administrative authority is vested with a power by any law for the time being in force to decide or pass an order, the power can be exercised by the same authority in which the power vests and no other authority.
- (ii) An order passed by a subordinate officer or any other officer not authorised to pass an order by stating that the same has been passed with the approval of the authority in whom power otherwise vests is illegal, perverse, arbitrary and coram non-judice.
- (iii) An order passed by punishing authority on behalf of appellate authority by stating the same to have been passed with the approval of appellate authority is impermissible, illegal, nullity, coram non-judice and violative of principles of natural justice namely, Nemo Judex in Causa Sua.
- (iv) An order imposing punishment or any other order involving civil consequences as also an appellate or revisional order, if passed by a single stroke of a pen in the noting sheet or otherwise stating to be rejected or accepted or remanded etc. is illegal, arbitrary, cryptic, non-speaking and without application of mind. Therefore, it is also violative of Article 14 of the Constitution of India.
- (v) When a quasi-judicial authority or an administrative authority passes any order involving civil consequences, the same has to be communicated to the concerned employee within reasonable time unless prohibited by any law for the time being in force. Communication can be made by any other subordinate officer by forwarding and attaching the actual order passed by the competent authority and not by substituting it with his own order. In case the actual order of the competent authority is not conveyed to the employee, the same shall be deemed to have been not communicated.
- (vi) A draft order prepared by any authority other than the competent authority and thereafter, put up for approval and simply approved by the competent authority either by tick marking the same or otherwise is no order in the eyes of law since the order has not been passed by the competent authority but is only an approval of a draft order prepared by some other authority who was not competent to pass the order. A speaking order involving civil consequences must be passed by a competent authority in whom the power vests under the law and simply approving a draft order drafted by another

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officer amounts to abdication of powers causing miscarriage of justice and therefore impermissible.

- (vii) In case it is simply conveyed by a lower administrative staff to an employee that his/her representation/legal notice/demand justice notice has been rejected/accepted by the competent authority but the order so passed by the competent authority is not attached or conveyed, the same is impermissible, illegal and arbitrary. Right of an employee to be informed by way of a copy of actual order involving civil consequences passed by a competent authority is hereby held to be a part of principles of natural justice and Article 14 of the Constitution of India.

3. In pursuance of orders dated 15.05.2025 passed by the Hon'ble Punjab and Haryana High Court in CRWP-6867-2024 titled as "Inderjit Yadav @ Arun Vs. State of U.T. Chandigarh", attention of the officers is invited to the directions passed by the Hon'ble Court in CWP No. 2316-2020 titled as Suresh Pal Vs. UHBVNL and Others for learning and guidance. The said judgment may kindly be downloaded from the official website of the Punjab and Haryana High Court, Chandigarh i.e. https://phhc.gov.in/enq_caseno.php?case_id=OE1DbFdweE9RckdHdVklSVNnbUFIQT09.

4. The contents of this communication may kindly be brought to the notice of all the concerned officers working under your control for information and necessary action.

5. This issues with the approval of the Competent Authority.

Yours faithfully

AKM
29/07/25

Additional Secretary Personnel
for Administrator
Union Territory, Chandigarh

Endst. No. 28/4/94-IH(7)-2025/10366 Dated: 30-7-25

A copy is forwarded to the Director Information Technology, Union Territory, Chandigarh with the request to upload the above instructions on the official website of Chandigarh Administration.

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29/07/25

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