

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.5364 of 2025

The Steel Authority of India Limited its Chairman Corporate Office, Ispat Bhawan, Lodhi Road, New Delhi-110001 through Mr. J.T. Kongari, aged about 53 years, son of Late P.L. Kongari working as General Manager (Law), Steel Authority of India Limited, Bokaro Steel Limited, P.O. B.S. City, P.S. B.S. City, District Bokaro (Jharkhand).

... .. **Petitioner**

Versus

1. Dhananjay Kumar (Staff No. 773277, SAIL PERS. No. C003676), Son of Sri N.N. Singh, The General Manager (Blast Furnace), Blast Furnace Department, Bokaro Steel City, Bokaro, Resident of Quarter No 3003, Sector 5A, P.O. Sector 6, P.S. Sector 6, Bokaro Steel City, District Bokaro 827006 (Jharkhand).-----**Respondent**
2. The Director (Personnel), Steel Authority of India Limited, Corporate Office, Ispat Bhawan, P.O. & P.S New Delhi, New Delhi: 110001.
3. The Director-In-Charge & Appellate Authority, Steel Authority of India Limited, Bokaro Steel Plant, Bokaro Steel City, P.O. B.S. City, P.S. B.S. City, District Bokaro 827001 (Jharkhand).
4. The Executive Director (Project), Steel Authority of India Limited, Bokaro Steel Plant, Bokaro Steel City, P.O. B.S. City, P.S. B.S. City, District Bokaro -827001.(Jharkhand)
5. The Executive Director (Works), Steel Authority of India Limited, Bokaro Steel Plant, Bokaro Steel City, P.O. B.S. City, P.S. B.S. City, District Bokaro 827001 (Jharkhand).

...**Performa Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Indrajit Sinha, Advocate
: Mr. Bibhash Sinha, Advocate
: Mr. Ankit Vishal, Advocate
For the Resp. No.1 : Mr. Bhanu Kumar, Advocate

C.A.V. on 24.03.2026 **Pronounced on 06/04/2026**

Per Sujit Narayan Prasad, J.

1. The writ petition is under Article 226 of the Constitution of India directed against the order dated 09.05.2025 passed in O.A./051/00141/2024 whereby and

whereunder while allowing the original application, the learned Tribunal has quashed and set aside the order dated 14.12.2023 passed by the disciplinary authority by which punishment of reduction by one stage lower in time scale of pay for a period of three years and three months without cumulative effect has been imposed upon the applicant, and the order passed by the Appellate Authority dated 27/28.02.2024 has also been set aside with a direction upon the respondents to restore the pay of the applicant w.e.f. 14.12.2023 and release the arrears with all consequential benefits within a period of three months from the date of receipt of the copy of the order.

Factual Matrix

2. The brief facts of the case as per the pleading made in the writ petition having been incorporated from the original application read hereunder as :-

While the Respondent No.1 was posted as General Manager, Blast Furnace, Bokaro Steel City with charge of the function of Respondent No. 5, the applicant was shocked to receive one charge Memorandum dated 10.01.2023 issued by respondent no. 4 under Rule 25 of SAIL Conduct, Discipline and Appeal Rules, 1977 for totally vague, false and indistinct allegations mentioned under Article-1 to V.

The applicant after receipt of the same submitted his self-explanatory statement of defence on 20.01.2023 in detail denying the allegations.

It is the case of the applicant/Respondent No.1 that without considering the above statement of defense, the respondent no. 4 appointed Inquiry Officer and Presenting Officer vide order dated 06.02.2023.

It has been contended by the applicant that the entire action from the stage of issuance of charge memorandum upto the appointment of I.O. and P.O. was at the instance and dictates of Vigilance officials.

The I.O. proceeded with the enquiry under the influence of higher officials of Vigilance and conducted perfunctory enquiry in between 02.03.2023 to 17.04.2023. The P.O. brief was also submitted on 08.05.2023.

The applicant submitted his reply to P.O. brief on 30.05.2023 supported with documents and evidences showing/proving himself to be innocent.

Apart from above, the applicant has stated that during his 25 years of service in SAIL, BSL his devotion to duty is of highest level and integrity is above board which has been accepted by CGM (MRD) who is senior most CGM in Works Division of BSL.

The I.O. has submitted his report on 26.07.2023 holding that the charges under Article No. I to IV are not

established and charge under Article No. V is partially established.

In this regard, the applicant has submitted that since the allegation No. V either can be fully proved or disproved but as per the I.O's report it is partially established, hence it is completely vitiated and fit to be declared as null and void and *ab initio* wrong.

It has been alleged by the applicant that the respondent no. 4 has committed wrong while calling reply from the applicant within 7 days which is in violation of Rule 26.0(2) of SAIL Conduct, Discipline and Appeal Rules, 1977 which mandatorily gives 15 days' time for giving reply to I.O's report.

Applicant then submitted his reply on 25.08.2023 to the I.O's report denying the finding of the I.O. in respect of allegation No. V as partially established. He has stated that the I.O. acted under pressure of the vigilance officials. The applicant also enclosed various Commendations/ Awards/ Appreciation letters related to his performance in the company which has been highly rated.

In the meantime, the applicant received an order dated 14.12.2023 issued by respondent no. 4 whereby punishment of reduction by one stage lower in time scale of pay for a period of three years and three months without cumulative effect has been imposed without application of

quasi-judicious mind, without giving any disagreement notice and without competence to impose such punishment. According to the applicant, the punishment imposed is vague, per-se illegal and contrary to Rule 23.0 (f) of 1977 rules which clearly speaks about the effect of punishment after its expiry which was not clarified in the said punishment order.

It has been alleged by the applicant that without disagreement notice the respondent no. 4 relying on the allegations under Article No. 1 to IV of the charge memo imposed the punishment which is not sustainable in the eyes of law.

Thereafter, applicant filed Appeal before respondent no.3 on 28.12.2023 which was rejected vide order dated 27/28.02.2024 and aggrieved thereof the original application being O.A./051/00141/2024 has been preferred.

Before the Tribunal, the petitioner (herein)/ respondents in their written statement have denied the contentions of the applicant and submitted that Respondent No. 3 who is the competent authority has appointed Respondent No. 4 as the Disciplinary Authority as per law.

It has been submitted that the applicant simply denied all of the charges neither specifically denied nor

admitted any of the charges. The respondents have alleged that the applicant being the Engineer I/C of the contract has acted in a manner prejudicial to the interest of the company, shown negligence in the performance of his duty and failed to maintain absolute integrity and devotion to duty thereby committed misconduct as per clause 5.0(5), 5.0(6) of SAIL CDA Rules, 1977 and thus violated Rule 4.1(1(i) & (ii) of SAIL, CDA Rules, 1977.

The respondents have alleged irregularities committed by the applicant in violation of the contractual terms.

It has further been submitted that there is no violation of any provision on calling reply from the applicant within 7 days of I.O. report since the enquiry against the applicant was initiated on the recommendation of Vigilance.

The respondents have denied the issue of incompetent authority as the respondent no. 4 has been appointed as DA by respondent no. 3 who is the competent authority as per schedule appended to SAIL CDA Rules, 1977. Respondent no. 4 being Executive Director is competent to be appointed as DA. The respondents have stated that in the instant case there was no disagreement as the disagreement has to be shown in a very specific situation when some difference exists between I.O's findings and DA's views. While contending that the

applicant is making misinterpretation of the said rule the respondents have prayed for dismissal of the OA.

The learned Tribunal, after hearing the parties, vide its judgment dated 09.05.2025, has quashed and set aside the order dated 14.12.2023 (passed by the Disciplinary Authority) and order dated 27/28.02.2024 (passed by the Appellate Authority) and directed the respondents to restore the pay of the applicant w.e.f. 14.12.2023 and pay the arrears with all consequential benefits within a period of three months from the date of receipt of the order.

Being aggrieved with the aforesaid order of the learned Tribunal, the petitioner - Steel Authority of India Limited has preferred the instant writ petition.

3. It is evident from the factual aspect that while the Respondent No.1 was posted as General Manager, Blast Furnace, Bokaro Steel City, one charge Memorandum dated 10.01.2023 was issued under Rule 25 of SAIL Conduct, Discipline and Appeal Rules, 1977 wherein five charges were alleged against the respondent No.1.

The applicant submitted his statement of defence on 20.01.2023 denying the allegations. Thereafter, the Inquiry Officer and the Presenting Officer were appointed vide order dated 06.02.2023.

The enquiry proceeded and the Inquiry Officer has submitted its report on 26.07.2023 holding that the

charges under Article No. I to IV are not established and charge under Article No. V is partially established.

Thereafter, vide order dated 14.12.2023, punishment of reduction by one stage lower in time scale of pay for a period of three years and three months without cumulative effect has been imposed without giving any disagreement notice.

The Respondent No.1 filed appeal against the order imposing punishment which was rejected vide order dated 27/28.02.2024 against which the original application being O.A./051/00141/2024 has been preferred.

The learned Tribunal, after hearing the parties, vide order dated 09.05.2025, has quashed and set aside the order dated 14.12.2023 (passed by the Disciplinary Authority) and order dated 27/28.02.2024 (passed by the Appellate Authority) and directed the respondents to restore the pay of the applicant w.e.f. 14.12.2023 and pay the arrears with all consequential benefits within a period of three months from the date of receipt of the order.

The petitioner - Steel Authority of India Limited has challenged the aforesaid order of the learned Tribunal which is the subject matter of the instant appeal.

Submission on behalf of the Petitioner

4. Mr. Indrajit Sinha, learned counsel appearing for the petitioner, has submitted at Bar that although the

prayer has been made for quashing of the order passed by the learned Tribunal dated 09.05.2025, but he is restricting his prayer only for issuance of direction to remit the matter before the disciplinary authority from the stage of showing the difference of opinion so as to pass a fresh order after following the due procedure of law.

5. It has been submitted by the learned counsel appearing for the petitioner that even accepting the fact that out of 05 charges, 04 charges have not been proved and 01 charge has partially been proved, the requirement of law was that the disciplinary authority i.e. respondent no.4 was to differ with the finding recorded by the Inquiry Officer so far as the charge which has not been found to be proved by assigning the reason therein showing the difference of opinion and by serving the aforesaid difference of opinion to the delinquent employee, the Respondent No.1 herein, for the purpose of providing an opportunity of hearing. But that cannot be a ground to quash the order of punishment by not remitting the matter for passing the fresh order by the authority after following the due procedure of law.

6. The argument has been made that if any error has been committed by the disciplinary authority, the delinquent employee may not be allowed to take advantage of technicalities, rather, the charge is to be considered by

the disciplinary authority based upon the procedure of law so that the injustice may not be there and delinquent employee may not be allowed to go escort free. The learned Tribunal has not considered the aforesaid aspect of the matter and merely on technicality, the order impugned has been quashed and set aside without remitting the matter before the disciplinary authority for passing a fresh order.

Submission on behalf of the Respondent

7. Mr. Bhanu Kumar, learned counsel appearing for the Respondent No.1-applicant, has submitted that the writ petitioner was well conscious with the procedure as has been laid down by Hon'ble Apex Court in the case of ***Punjab National Bank and Others Vs. Kunj Behari Mishra***, reported in ***1998(7) SCC 84*** and even then the said procedure has not been followed and, as such, being a wrong doer, the writ petitioner cannot be allowed to take advantage of its own wrong.

8. It has been submitted that the memo of charge is of the year 2023 being issued on 10.01.2023 and since then two years has already lapsed and, as such, if the matter will be remitted before the disciplinary authority, it will be prejudicial to the interest of the applicant and after taking into consideration the aforesaid aspect of the matter, the Tribunal has not remitted the matter before the disciplinary

authority, hence, the order passed by the learned Tribunal may not be interfered with.

Analysis

9. We have heard learned counsel for the parties and gone through the finding recorded by the learned Tribunal as available in the impugned order as also the pleading made on behalf of the parties before the learned Tribunal.

10. The admitted fact herein is that based upon the memorandum of charge wherein altogether five charges have been levelled which, for ready reference, are being referred herein :-

- “Article-I Failed to control over-reporting of Work Through Slag (WTS) by the contractor providing undue benefit to the contractor as same has been over-reported by under-loading the tippers thereby inflating the number of trips of such tippers. This has led to steep increase in WTS generation, as per the records, during his tenure as Engineer I/c.
- Article-II He did not ensure dumping of WTS as per BSL requirement in violation to the provisions of the contract.
- Article-III He failed to prevent pilferage by mix-up of low value and high value scraps for sale to the contractor.
- Article-IV As per SOP of the contract, dumping of fresh slag within the working area of the contractor was not permitted; however, he did not take adequate steps to prevent dumping of fresh slag arising at contractor site from SMS.
- Article-V Irregularities in execution of the contract by the contractor were brought to executing department's notice by Vigilance; however, he as Engineer I/c has

evaded taking or initiating action against the contractor as per contractual terms.”

11. The Inquiry Officer has found 04 charges not proved while 5th charge has partially been found to be proved. The disciplinary authority although was to differ with the finding recorded by the Inquiry Officer so far as the charges not found to be proved (04 in number) but instead of differing with the finding so recorded by the Inquiry Officer, he straightway has imposed the punishment of reduction by one stage lower in time scale of pay for a period of three years and three months without cumulative effect.

12. The Respondent No.1/applicant has raised the issue that what is the basis of inflicting the punishment in a situation of charge having not been found to be proved. The matter has been carried to the appellate authority by raising the aforesaid point but even the appellate authority has not found fit to interfere with the decision taken by the disciplinary authority.

13. The order of punishment was challenged before the learned Tribunal. The learned Tribunal, after taking note of the ratio laid down by Hon'ble Apex Court in the case of ***Punjab National Bank and Others Vs. Kunj Behari Mishra*** (Supra), has quashed and set aside the order dated 14.12.2023 passed by the Disciplinary Authority and order dated 27/28.02.2024 passed by the Appellate Authority and directed the respondents to restore the pay of the

applicant w.e.f. 14.12.2023 and pay the arrears with all consequential benefits within a period of three months from the date of receipt of the order.

14. The issue which has been raised on behalf of the writ petitioner that the learned Tribunal ought to have taken into consideration that while quashing the order of punishment, it should have been remitted before the authority for passing the order afresh after following the due procedure of law.

15. Since the order of punishment dated 14.12.2023 and appellate order dated 27/28.02.2024 are not being questioned, as per the submission made by Mr. Indrajit Sinha, as recorded above, rather, only the order passed by the learned Tribunal has been questioned that it should have been remitted before the authority from the stage showing difference of opinion from the finding recorded by the Inquiry Officer.

16. The law is well settled that no one can be allowed to take advantage of its own wrong as also the proposition of law that on technicality no one can be allowed to take advantage.

17. If the disciplinary proceeding is being started then it is to be given its conclusive end. It is equally settled that disciplinary authority is proceeding to initiate departmental

proceeding, then the same must be concluded in accordance with law.

18. Law with respect to a situation where the Inquiry Officer has not found the charge proved has already been propounded by the Hon'ble Apex Court in the case of ***Punjab National Bank and Others Vs. Kunj Behari Mishra*** (Supra) wherein the disciplinary authority has remedy. The disciplinary authority, in such situation, should differ with the opinion of the Inquiry Officer by assigning the reason which shall be communicated to the delinquent employee for the purpose of defending himself based upon the difference of opinion shown by the disciplinary authority upon the finding recorded by the Inquiry Officer. The relevant paragraph of the aforesaid judgment is being referred hereunder :-

“19. The result of the aforesaid discussion would be that the principles of natural justice have to be read into Regulation 7(2). As a result thereof, whenever the disciplinary authority disagrees with the enquiry authority on any article of charge, then before it records its own findings on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings. The report of the enquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the enquiry officer. The principles of natural justice, as we have already observed, require the authority which has to take a final decision and can impose a penalty, to give an opportunity to the officer charged of misconduct to file a

representation before the disciplinary authority records its findings on the charges framed against the officer.”

19. The issue of remand was also a subject matter in the case of ***Punjab National Bank and Others Vs. Kunj Behari Mishra*** (Supra) as per the reference made to that effect at para 21 and the Hon’ble Apex Court, in the facts of the aforesaid case, has been pleased not to remit the matter since the case was of retired employee and more than 14 years have elapsed since the delinquent officers had superannuated, and hence the Hon’ble Apex Court has thought it proper not to remit the matter after such long delay.

“**21.** Both the respondents superannuated on 31-12-1983. During the pendency of these appeals, Misra died on 6-1-1995 and his legal representatives were brought on record. More than 14 years have elapsed since the delinquent officers had superannuated. It will, therefore, not be in the interest of justice that at this stage the cases should be remanded to the disciplinary authority for the start of another innings. We, therefore, do not issue any such directions and while dismissing these appeals, we affirm the decisions of the High Court which had set aside the orders imposing penalty and had directed the appellants to release the retirement benefits to the respondents. There will, however, be no order as to costs.”

20. This Court, therefore, is now proceeding to examine that as to whether the principle of not allowing to take advantage of technicality is to be relaxed in view of the factual consideration made by the Hon’ble Apex Court in paragraph 21 of the judgment rendered in the case of

Punjab National Bank and Others Vs. Kunj Behari Mishra (Supra).

21. Herein, the admitted fact is that the memorandum of charge was issued on 10.01.2023. Thereafter, the appeal was preferred and it is now about three years from the date of issuance of memorandum of charge.

22. This Court, therefore, is of the view that the fact of the present case is not of such nature where the benefit of technicality is to be allowed to be taken by the delinquent employee taking into consideration the fact that the Respondent No.1 is in service and the memo of charge has only been issued on 10.01.2023.

23. This Court, in view of the aforesaid, is of the considered view that the learned Tribunal ought to have taken into consideration the fact about the benefit being allowed to be taken by the delinquent employee, the applicant herein, and ought to have remitted the matter before the disciplinary authority to pass order afresh as per the ratio laid down by Hon'ble Apex Court in the case of **A. Masilamani v. LIC (2013) 6 SCC 530** wherein it has been held by the Hon'ble Apex Court that if Court thinks that enquiry was not properly conducted then It must remit the case concerned to the disciplinary authority for it to conduct the enquiry from the point that it stood vitiated, and conclude the same, for ready reference the relevant

paragraph of the aforesaid judgment is being quoted as under :

“16. It is a settled legal proposition, that once the court sets aside an order of punishment, on the ground that the enquiry was not properly conducted, the court cannot reinstate the employee. **It must remit the case concerned to the disciplinary authority for it to conduct the enquiry from the point that it stood vitiated, and conclude the same.**”

24. The decision of the Hon’ble Apex Court in **Allahabad Bank v. Krishna Narayan Tiwari (2017) 2 SCC 308** also throws light on the approach to be adopted but in a more nuanced manner than what was held in **A. Masilamani (supra)**. Paragraph 8 of the decision reads as follows:

“8. There is no quarrel with the proposition that in cases where the High Court finds the enquiry to be deficient, either procedurally or otherwise, the proper course always is to remand the matter back to the authority concerned to redo the same afresh. That course could have been followed even in the present case. The matter could be remanded back to the disciplinary authority or to the enquiry officer for a proper enquiry and a fresh report and order. But that course may not have been the only course open in a given situation. There may be situations where because of a long time-lag or such other supervening circumstances the writ court considers it unfair, harsh or otherwise unnecessary to direct a fresh enquiry or fresh order by the competent authority. That is precisely what the High Court has done in the case at hand.”

25. It also needs to be referred herein that the judgment passed by Hon’ble Apex Court in the case of **Punjab National Bank and Others Vs. Kunj Behari Mishra**

(Supra) has been placed before the learned Tribunal and based upon that the order impugned has been passed.

26. This Court, therefore, is of the view that when the ratio laid down by Hon'ble Apex Court in the case of ***Punjab National Bank and Others Vs. Kunj Behari Mishra*** (Supra) has been applied in the facts of the present case then it should have been in entirety i.e., the issue of remand of the matter ought to have been considered by the learned Tribunal but having not been considered, the impugned order, according to our considered view, suffers from an error.

27. This Court is conscious that while exercising the power under Article 226 of the Constitution of India against the order passed by the learned Tribunal, the power of judicial review is to be exercised as per the ratio laid down in the case of ***L. Chandra Kumar Vs. Union of India & Ors.*** reported in ***(1997) 3 SCC 261*** at paragraph 99 wherein it has been held that the High Court is having power of judicial review to look into the legality and propriety of the order of the tribunal to the extent that if the order passed by the tribunal suffers from any perversity or the order is passed without following the principles of natural justice or there is error apparent on the face of order. For ready reference, paragraph 99 of the judgment is quoted as under:-

"99. In view of the reasoning adopted by us, we hold that clause 2(d) of Article 323-A and clause 3(d) of Article 323-B, to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of Articles 323-A and 323- B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is a part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted other courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323-A and Article 323- B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal concerned falls. The Tribunals will, nevertheless, continue to act like courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned. Section 5(6) of the Act is valid and constitutional and is to be interpreted in the manner we have indicated."

28. The power of judicial review has also been deliberated by the Hon'ble Apex Court, which is to be considered while exercising the said power only to the extent that if any order is being passed found to be having error on the face of the order or without jurisdiction or suffers from perversity. The error apparent on the face of

the order means that if the order appears on its face having with error, then only the power of judicial review is to be exercised.

29. The Hon'ble Apex Court in the case of ***West Bengal Central School Service Commission vs. Abdul Halim, (2019) 18 SCC 39***, has held at paragraph-30 that the power of judicial review must be exercised by the Court after determining that the impugned is vitiated by an error apparent on the face of the record and not the same has been established by a process of reasoning. Paragraph-30 of the aforesaid judgment is being referred as under:-

“30. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in *Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale* [*Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale*, AIR 1960 SC 137] . ---.”

30. In the case of ***T.C. Basappa vs. T. Nagappa and Anr., (1955) 1 SCR 250***, their Lordship have held that the patent error in a decision can be corrected by writ of certiorari, when it is manifested by the error apparent on

the face of the proceedings. The relevant portion of the aforesaid judgment is quoted hereunder:-

“11. ... An error in the decision or determination itself may also be amenable to a writ of certiorari but it must be a manifest error apparent on the face of the proceedings e.g. when it is based on clear ignorance or disregard of the provisions of law. In other words, it is a patent error which can be corrected by certiorari but not a mere wrong decision.”

31. The power of judicial review can be exercised if the order passed by the learned Tribunal suffers from an error and if there is any perversity.

32. The element of perversity has been raised. The Hon'ble Apex Court in ***Arulvelu and Anr. vs. State [Represented by the Public Prosecutor] and Anr., (2009) 10 SCC 206*** while elaborately discussing the word perverse has held that it is, no doubt, true that if a finding of fact is arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant material or if the finding so outrageously defies logic as to suffer from the vice of irrationality incurring the blame of being perverse, then, the finding is rendered infirm in law. Relevant paragraphs, i.e., paras-24, 25, 26 and 27 of the said judgment reads as under:-

“24. The expression “perverse” has been dealt with in a number of cases. In *Gaya Din v. Hanuman Prasad* [(2001) 1 SCC 501] this Court observed that the expression “perverse” means that the findings of the subordinate authority are not supported by the evidence brought on

record or they are against the law or suffer from the vice of procedural irregularity.

25. In *Parry's (Calcutta) Employees' Union v. Parry & Co. Ltd.* [AIR 1966 Cal 31] the Court observed that “perverse finding” means a finding which is not only against the weight of evidence but is altogether against the evidence itself. In *Triveni Rubber & Plastics v. CCE* [1994 Supp (3) SCC 665 : AIR 1994 SC 1341] the Court observed that this is not a case where it can be said that the findings of the authorities are based on no evidence or that they are so perverse that no reasonable person would have arrived at those findings.

26. In *M.S. Narayanagouda v. Girijamma* [AIR 1977 Kant 58] the Court observed that any order made in conscious violation of pleading and law is a perverse order. In *Moffett v. Gough* [(1878) 1 LR 1r 331] the Court observed that a “perverse verdict” may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence. In *Godfrey v. Godfrey* [106 NW 814] the Court defined “perverse” as turned the wrong way, not right; distorted from the right; turned away or deviating from what is right, proper, correct, etc.

27. The expression “perverse” has been defined by various dictionaries in the following manner:

1. Oxford Advanced Learner's Dictionary of Current English, 6th Edn.

“Perverse.—Showing deliberate determination to behave in a way that most people think is wrong, unacceptable or unreasonable.”

2. Longman Dictionary of Contemporary English, International Edn.

Perverse.—Deliberately departing from what is normal and reasonable.

3. The New Oxford Dictionary of English, 1998 Edn.

Perverse.—Law (of a verdict) against the weight of evidence or the direction of the judge on a point of law.

4. The New Lexicon Webster's Dictionary of the English Language (Deluxe Encyclopedic Edn.)

Perverse.—Purposely deviating from accepted or expected behavior or opinion; wicked or wayward; stubborn; cross or petulant.

5. Stroud's Judicial Dictionary of Words & Phrases, 4th Edn.

“Perverse.—A perverse verdict may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence.”

33. This Court, is of the view that when the learned Tribunal has considered the judgment rendered in the case of ***Punjab National Bank and Others Vs. Kunj Behari Mishra*** (Supra), then it should have been considered in its entirety, i.e., including the issue of remand but having not done so, the same, according to our considered view, suffers from perversity.

34. This Court, in view of the legal issues as discussed hereinabove and the factual aspect of the present case, is of the view that the order passed by the learned Tribunal requires modification to the effect that the matter is being remanded before the disciplinary authority to take decision afresh after showing the difference of opinion with the finding recorded by the Inquiry Officer, i.e., by following the law laid down by Hon'ble Apex Court in the case of ***Punjab National Bank and Others Vs. Kunj Behari Mishra***

(Supra) and communicate it to the delinquent employee within three weeks from the date of receipt of copy of the order.

35. The disciplinary authority is further directed to pass order afresh within a further period of six weeks from the date of receipt of the explanation which is to be presented by the Respondent No.1 within two weeks from the date of receipt of the reason, as directed above.

36. The consequential benefits will depend upon the final outcome of the said decision.

37. The instant writ petition stands disposed of accordingly.

38. Pending interlocutory applications, if any, accordingly disposed of.

I agree (Sujit Narayan Prasad, J.)

(Deepak Roshan, J.) (Deepak Roshan, J.)

Dated 06/04/2026

Birendra/**A.F.R.**

Uploaded on 07/04/2026