Case Citation: (2026) ibclaw.in 6409 HC

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 9th OF OCTOBER, 2026

WRIT APPEAL No. 2650 of 2026

CNR No.: MPHC010530292026

RAKESH RANJAN

Versus

NATIONAL MINERAL DEVELOPMENT CORPORATION LIMITED AND OTHERS

Appearance:

Shri Utkarsh Kumar Sonkar, learned Advocate for the appellant.

ORDER

Per: *Justice Vivek Rusia*

In the present writ appeal challenge is to the order dated 27.4.2026 passed in Writ Petition No.9064/2022 [*Rakesh Ranjan Vs. National Mineral Development Corporation Limited and others*] whereby the writ court has dismissed the writ petition assailing the order of punishment dated 13.3.2018 (Annexure-P/1).

Facts of the case, in short, are as under:-

2. The respondent No.1-National Mineral Development Corporation Limited (hereinafter referred to as the "NMDC") issued an employment notification initiating Special Recruitment Drive for the persons with disabilities for 03 posts of Misc.Attendant (Trainee) and Dimond Mining

IBC Laws | www.ibclaw.in

Project (DMP), Panna. The cut-off date for submissions of applications was 18.10.2015. The appellant/writ petitioner was transferred from Kirandul (CG) to Panna. He reported to duty on 19.10.2015 at Panna and assumed the charge of Head of Department (HOD) on 06.11.2015. All 626 applications were scrutinized between 09.1.2016 to 15.1.2016 by the Scrutiny Committee of 03 members, of which, appellant was not the member. The appellant visited Hyderabad on an official tour between 27.2.2016 to 04.3.2016 to attend a specialized training programme for coordinating pending approvals of residential bus deployment at Panna, which was scheduled on 29.2.2016. After conclusion of training the DGM (Personnel), Head Office handed over a sealed envelope containing password protected pen drive to the appellant with instructions to personally deliver the same to the Project Manager, DMP, Panna. Upon return to Panna on 02.3.2016, the appellant immediately handed over the intact sealed envelope to the Project Manager, DMP, Panna. On 05.3.2016, the sealed envelope was opened in supervision of Project Manager. The password to decrypt the Pen Drive was obtained directly over telephone by the Project Manager from the Head Office. Upon opening of file before the Printing Committee it was revealed that Head Office inadvertently embedded "Answer key" on page immediately following question paper. One hard copy of entire document was printed and the answer key was detached as also sealed in separate envelope and soft copy in pen drive was permanently erased. The sealed Answer Key was deposited with CISF Guarded strong room. On 06.3.2016, the written test was conducted.

3. The appellant was neither a member of the Written Test Committee nor that of Answer Sheet Evaluation Committee. The evaluation was made by a 09 members Committee headed by DGM (Mechanical) on 06.3.2016. Upon nomination by the Project Manager the appellant acted as a Member of 06 members Skill Test Conducting Committee.

4. Amongst the qualified persons in written test there was one Kismat Singh who happened to be son of appellant's estranged sister. On 30.8.2016 the appellant was served with Memorandum of Charges alleging that he failed to disclose his relationship with Kismat Singh and had actively participated in receiving the examination pen drive & exhibited negligence in application scrutiny. The appellant submitted written statement of defence on 23.9.2016 stating Kismat Singh does not fall within the definition of "relative" under NMDC Rules. A departmental enquiry was conducted. As averred, prosecution did not examine any witness, whereas appellant examined member of Key Selection Committee. On 30.8.2017, the Inquiry Officer submitted report recording a finding that Kismat Singh is not the relative of appellant. He also found that appellant was not obligated to inform the Management about his nephew being aspirant candidate for the post in question. Hence, appellant is not guilty of charges under Rule 6.0, 6(1) & 6(3) of the aforesaid Rules.

5. The Inquiry Officer though exonerated the appellant of the charge of nepotism under Rule 6 of the Rules but passed an order dated 13.3.2018 (Annexure-P/1) imposing major penalty of reduction to a lower stage in the Time Scale of Pay for a period of 05 years without increments of pay during

the period and it will have the effect of postponing the future increment of pay under Rule 23.1 of the NMDC CDA Rules. The appellant preferred statutory appeal which was rejected on 08.2.2022.

6. The appellant filed W.P.No.9064/2022 before learned writ court challenging the punishment order and appellate order. The respondents raised an objection regarding territorial jurisdiction as order was passed at Hyderabad. Learned Single Judge rejected the objection of territorial jurisdiction as part of cause of action i.e. enquiry was conducted in Panna. The learned writ court having observed that Kismat Singh being nephew was related by blood i.e. sister's son, therefore, it cannot be said that he is not a relative, thereby did not find any error in the order of punishment and accordingly dismissed the writ petition. Hence, this writ appeal.

Submissions on behalf of the Appellant:

7. Learned counsel for the appellant has urged that the learned writ court has failed to see that the appellant was exonerated of the charge under Rule 6 by the departmental authority inasmuch as the Inquiry Officer in the inquiry report dated 30.8.2017 unequivocally held that the appellant is not guilty of the charge under Rules 6.0, 6(1) & 6(3) as nephew does not fall within the definition of term "relative" and hence, appellant was under an obligation to report his candidature to the Management. The Disciplinary Authority has not issued any statutory note of disagreement under Rule 26 of the NMDC (CDA) Rules, 1978. The respondent/Corporation has not challenged the exoneration of the appellant before the appellate authority and hence, such finding under Rule 6 has attained finality. It is further argued that

it is trite law that the High Court cannot subrogate itself into the shoes of the employer or act as an appellate prosecution authority to *suo motu* resurrect a charge, reverse an unassailed departmental acquittal and penalise on a ground from which he stood formally discharged in the matter.

8. It is also put forth by the learned counsel for appellant that learned writ court erred in making statutory interpretation of words of Clause 6.1 ("related, whether by blood or marriage"). Section 6 of the Companies Act read with Schedule 1A & Rule 4 of the Companies (Specification of Definition Details) Rules, 2014 provide closed list of legal relatives. The sister, sister's husband and sister's son are conspicuously and deliberately excluded by the Legislature from the statutory definition of the term "relative". The appellant had filed an affidavit of his sister dated 12.10.2015 stating that the relationship with the appellant had been severed over a decade preceding recruitment. The appellant had no knowledge that his sister's son, who is residing in remote village of Buxar (Bihar) had applied for the Group-D trainee post at Panna. The appellant awarded only 15 out of a total 25 marks to Kismat Singh, whereas the other members nominated by the State Government gave him higher marks. Additionally, it is also submitted by learned counsel for the appellant that punishment imposed is shockingly disproportionate in view of the gravity of unproved charges.

9. In support of his above contentions, learned counsel has placed reliance on the decisions in the cases of ***Ranjit Thakur Vs. Union of India***, (1987) 4 SCC 611, ***Union of India Vs. G.Ganayutham***, (1997) 7 SCC 463, ***Roop Singh Negi Vs. Punjab National Bank***, (2009) 2 SCC 570, ***State of***

U.P. vs. Mohd.Sharif, (1982) 2 SCC 376. He prayed for setting aside of the impugned order of the learned writ court as also the order imposing punishment (Ann.P/1).

10. Heard learned counsel for the appellant and perused the record.

Appreciation and conclusion:

11. Learned counsel for the appellant has argued that sister's son does not come under the definition of relative. Therefore, the appellant has wrongly been charge-sheeted and punished in the departmental enquiry. It is also submitted that he was not found guilty under Rules 6.0, 6 (1) & 6(3) as the nephew (sister's son) does not fall within the statutory definition of the term "relative"; therefore, the appellant was not under the legal obligation to report his candidature to the Management. Therefore, in view of the inquiry report, which has been accepted as it is, without recording any disagreement under Rule 26 of NMDC (CDA) Rules, the punishment ought not to have been imposed upon the appellant. It is also stated that the appellant was included in the Skill Test Committee on 26.3.2016 by the Project Manager (Appointing Authority) and the appellant discharged his official duty in accordance with law. He never demanded any induction as one of the members in any Committee. The appellant awarded only 15 out of 25 marks to his nephew, i.e. 60%, whereas other independent committee members have awarded significantly higher marks.

12. We are not inclined to accept the above arguments as the appellant is not disputing the relationship with the candidate (Kismat Singh). Therefore, even though he does not come under the definition of relative, he

happened to be the sister's son of the appellant. Accordingly, the appellant should not have become a member of the Skill Test Committee. He should have walked out or should have disclosed the relationship to the Project Manager/Appointing Authority. The appellant suppressed, interviewed his own nephew and awarded the marks. No case for interference is warranted by this Court.

13. In the case of ***Union of India v. P. Gunasekaran*** reported in **(2015) 2 SCC 610**, the Apex Court outlined strict parameters where the High Court under Articles 226/227 can and cannot interfere with the findings in departmental inquiries reviewed by Tribunals. The High Court cannot re-appreciate evidence or interfere on the ground that another view is possible, or cannot go into the adequacy or reliability of evidence or act as an appellate authority on proportionality of punishment, unless it shocks the conscience of the court.

14. In the case of ***State of Andhra Pradesh v. S. Sree Rama Rao*** **(AIR 1963 SC 1723)** and ***B.C. Chaturvedi v. Union of India,*** **(1995) 6 SCC 749,** the Supreme Court of India held that in service jurisprudence, judicial review is directed not against the decision itself, but against the decision-making process. The Tribunal and the Court cannot substitute their assessment of evidence for that of the disciplinary authority unless perversity or mala fides are established.

15. In the case of ***Syed Yakoob v. K.S. Radhakrishnan*** reported in **AIR 1964 SC 477**, the Apex Court held that an error of fact, no matter how grave it may appear, cannot be corrected under supervisory/certiorari

jurisdiction unless it is an error of law apparent on the face of the record (e.g., ignoring statutory provisions or basing conclusions on inadmissible evidence).

16. In ***Garment Craft v. Prakash Chand Goel*** (2022) 4 SCC 181, the Apex Court reiterated that supervisory jurisdiction under Article 227 is exercised sparingly and cautiously, only to rectify gross errors that would result in grave injustice, and not to set right every legal or factual error.

17. Apart from the above, the scope of interference with the order passed by the Writ Court is very limited. The Apex Court, in the case of ***Management of Narendra and Company Pvt. Ltd. Vs. Workmen of Narendra and Co.*** reported in (2016) 3 SCC 340, reiterated that unless the judgment of the Single Judge is perverse or demonstrably wrong, the Appellate Bench should not substitute its opinion for that of the Single Judge. In the case of ***Wander Ltd. Vs. Antox India Pvt. Ltd.***, **reported in** 1990 SCC (SUPP) 727, the Supreme Court of India also established that the Appellate Court will not interfere with the exercise of discretion of the court of first instance and substitute its own discretion except where the discretion has been shown to have been exercised arbitrarily, capriciously, or perversely.

18. In the result, we do not find any error in the impugned order of the learned writ court. The writ appeal being sans substance stands **dismissed**.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

RM