

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

**COCP no.1611 of 2015(O&M)**

**Date of Decision :16.10.2015**

Jai Bhagwan Gupta

....Petitioner(s)

Versus

Sh.Naresh Kumar Sardana

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER**

Present : Mr.R.K.Malik, Sr. Advocate with

Mr. Bhupinder Malik, Advocate for the petitioner

Mr. Pankaj Jain, Advocate for the respondent

**MAHESH GROVER, J.**

**CM no. 22269-CII of 2015**

Allowed as prayed for.

**Main case**

The petitioner filed a writ petition bearing no. 11355 of 2000 which was disposed of on the basis of consensual stand that the case of the petitioner was covered in terms of one Chattar Singh in CWP no. 10235 of 2000. It would thus be relevant to extract the relevant portion of the orders passed in Chattar Singh Singh's case (supra)

“For the reasons recorded above, the order of punishment of removal from service inflicted upon the petitioner is quashed. The respondents are however granted liberty to reconsider

the petitioners case for imposing a punishment lesser in gravity than the punishment inflicted upon H.C.Arora, Dilbagh Singh, Raj Singh Kundu, Harjeet Singh, V.P.Gandhi, P.N.Jain and Chatar Bhuj Gupta as the charges leveled and proved against the petitioner are much less serious than the charges leveled and proved against the aforesaid officers/officials. The Punishing Authority shall pass an order in this behalf within a period of two months from the date of receipt/supply of a certified copy of this order after affording the petitioner an opportunity of hearing.”

The petitioner now contends with reference to the comparative chart of the punishments awarded to the employees involved in the misdoings to contend that the petitioner has been singled out for a harsher punishment even though orders in Chatter Singh Singh's case contemplated lesser punishment than the one awarded to other persons involved in the chargesheet.

Respondents justify this with reference to the speaking order passed to contend that the case of the petitioner was found to be at par with Harjeet Singh who has been awarded a similar punishment. It is thus stated that no distinction has been made and once the punishing authority equated the case of the petitioner to that of one of the co-employer who faced similar charges and punishment it would not be a case of contempt or violation of the orders of this Court.

On due consideration of the matter, I am of the view that indeed the case of the petitioner had been disposed of in terms of Chattar Singh Singh's case (supra) which would imply that reasonings adopted in Chattar Singh Singh's case would apply to the case of the petitioner as well but the observation of reconsideration would also give a flexibility to the punishing authority while dealing with the case of the petitioner in that regard. If it found the case of the petitioner to be equivalent to that of one Harjeet Singh and thereby concluded a similar punishment then I am of the view that it would not be strictly a case of disobedience. In his wisdom the disciplinary authority has reconsidered the matter in entirety and found that the case of the petitioner merited an equal consideration to that of another employee for which he cannot be held liable for disobedience particularly when the orders of the writ Court warranting a lesser punishment to Chattar Singh was based on the role noticed by it. Consequently, instant contempt petition is dismissed, leaving the petitioner to his remedies in law.

October 16, 2015  
rekha

**(Mahesh Grover)**  
**Judge**