

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

CWP No.17455-CAT of 2014  
Date of Decision:- 09.04.2015.

Union of India and others

.....Petitioners

Versus

Sube Ram and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Namit Kumar, Advocate for the petitioners.

Mr. Rajesh Khandelwal, Advocate for respondent No.1.

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**SURYA KANT, J. (ORAL)**

1.) The Union of India and Chief Post Master General, Haryana Circle etc. have impugned the order dated 25.03.2014 passed by Central Administrative Tribunal, Chandigarh Bench in the Original Application filed by the first respondent. The question that arose before the Tribunal was whether the petitioner-Authorities were justified in removing the first respondent from service by way of disciplinary proceedings as he was found guilty of misappropriating the savings of a depositor? The Tribunal did not find any fault with the domestic inquiry but it has after referring to various decisions of

the Hon'ble Supreme Court and taking into consideration that the first respondent had rendered 22 years of service and that he belongs to poor strata of the society, remitted the case to the Appellate Authority to have a fresh look on the quantum of penalty. The Tribunal has also observed that respondent No.1 could be taught a lesson by imposing any other penalty like compulsory retirement.

2.) We have heard learned counsel for the parties and gone through the record. It is true that most of the judgments relied upon by the Tribunal pertain to the incidents where delinquent employee was not guilty of embezzlement or misappropriation of public funds. The nature of punishment to be awarded has always a direct nexus with the nature of allegations proved against the employee. We are, thus, of the view that the Tribunal's order need not be construed as if the order of removal from service has been set aside. The object and purpose of the Tribunal's observations or the direction is to remit the case to the Appellate Authority for re-consideration whether any lesser punishment can be awarded to respondent No.1. The Tribunal, however, fell in error in sending the case back to the Appellate Authority, instead of disciplinary authority as the quantum of punishment ought to be firstly determined by the disciplinary authority.

3.) We, thus, modify and clarify the order of the Tribunal and direct that instead of Appellate Authority, let the disciplinary authority consider whether it is feasible and appropriate to award any lesser

punishment to respondent No.1. If the disciplinary authority, keeping in view the length of service, past service record and the social background of respondent No.1 forms an opinion that the purpose of initiating disciplinary action can be effectively achieved by imposing any lesser punishment, it may do so.

4.) The writ petition stands disposed of in above terms.

**(SURYA KANT)**  
**JUDGE**

**(P.B. BAJANTHRI)**  
**JUDGE**

**April 09, 2015.**

*sandeep sethi*