

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 2288 of 2013

Reserved On : August 21, 2015

Pronounced On : 27.08.2015

Sunil Kumar		Petitioner
vs.		
State of Haryana and others		Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

* * *

Present : Mr. S. K. Redhu, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

* * *

DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks quashing of order dated 23.11.2011 (Annexure P-8), through which he has been awarded punishment of stoppage of one increment with permanent effect.

The only ground urged before me on behalf of the petitioner is that along with the petitioner, one ASI Satbir Singh had also been charge-sheeted. It is submitted that he has been awarded punishment of stoppage

of one increment with temporary effect, whereas in a discriminatory fashion, the petitioner has been awarded the punishment of stoppage of one increment with permanent effect. Seeking parity with ASI Satbir Singh, the present petition has been filed.

At the very outset, it is worth noticing that the petitioner does not challenge his guilt. He merely seeks parity with regard to the award of punishment as given to ASI Satbir Singh, who also had been charge-sheeted along with him.

When more than one persons are charge-sheeted and proceeded against departmentally, the quantum of punishment meted out to each of them would largely depend on their proven respective roles. The petitioner cannot claim parity with Satbir Singh as their roles were distinct. So far as Satbir Singh is concerned, he had, on 10.06.2008, demanded from the complainant Rs.3,600/- as against the receipt of Rs.600/- for getting his challan disposed of. It is the admitted position that the transaction never materialized. So far as the petitioner is concerned, on 11.06.2008, he demanded and received an amount of Rs.1,600/- from the complainant for getting his challan disposed of against the receipt of only Rs.600/-. Thus, the role attributed to the petitioner was different, for which he has been awarded a different punishment, which according to me, is a rather lenient one.

In support of his contentions, counsel for the petitioner has

cited the following judgments of the Apex Court :-

1. Sengara Singh and others etc. vs. The State of Punjab and others reported as 1983 (4) SCC 225,
2. Man Singh vs. State of Haryana and Ors. reported as 2008 (12) SCC 331 and
3. Lucknow K. Gramin Bank vs. Rajendra Singh reported as 2013 (12) SCC 372.

I have gone through the above referred judgments of the Apex Court, which are clearly distinguishable on facts. The proposition of Court, as laid down through the above judgments is that there should be no discrimination in the award of punishments when the roles attributed to different employees is the same. There is no quarrel with the above proposition of law. However, as observed earlier, the role of Satbir Singh, with whom the petitioner claims parity, is distinct from the role of the petitioner, and therefore, the judgments relied upon on behalf of the petitioner have no applicability to the facts of the case in hand.

In view of the above, finding no merit in the instant writ petition, the same is ordered to be dismissed, with no order as to costs.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 27.08.2015
monika