

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24454 of 2014

Date of decision: September 15, 2015

Krishan Kumar

..... Petitioner

UT of Chandigarh and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. R. Kartikeya, Advocate
for the petitioner.

Ms. Harsh Rekha Kapoor, Advocate and
Ms. Manpreet Kaur, Advocate
for respondents No.1 to 3.

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?

M. JEYAPPAUL, J. (ORAL)

The writ petitioner was convicted for an offence under Sections 149, 506 and 323, IPC but he was released on probation. Proceedings under Article 311 of the Constitution of India were initiated against the petitioner pursuant to which, he was dismissed from service.

As regards the challenge made by the writ petitioner against the disciplinary proceedings initiated under Article 311 of the Constitution of India, we are of the view that there is no merit in the challenge.

As regards the quantum of punishment, the learned counsel appearing for the writ petitioner would submit that the writ petitioner has already put in service for more than 15 years. Though, he was convicted

along with his other family members for the offence under Sections 149, 506 and 323, IPC, he was released on probation.

As rightly pointed out by learned counsel appearing for the writ petitioner, we find that the sentence imposed upon the petitioner is on the higher side, being disproportionate to the charges formulated as against the writ petitioner.

Therefore, the Appointing Authority is directed to re-consider the quantum of punishment imposed on the writ petitioner, taking into account the length of service already put in by him and the nature of offence allegedly committed by him, besides the fact that he had been released on probation.

Necessary orders, as directed by this Court, be passed by the respondent-Authority within a period of one month.

Writ petition is disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(DARSHAN SINGH)
JUDGE

September 15, 2015
Dinesh Bansal