

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

CWP No. 8032 of 2014(O&M)

Date of decision : 27.04.2015

Ram Dayal

..... Petitioner

versus

Punjab and Haryana High Court

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Surinder Sharma, Advocate for the petitioner.

Ms.Divya Sharma, Advocate for the respondents.

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?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dismissing him from service.

The petitioner was found lying dead drunk in his place of work and thereafter remained unauthorisedly absent also. On earlier occasions also he had not only been guilty of unauthorised absence but also drunkenness. After regular inquiry in which the facts were not disputed, the impugned order of dismissal was passed against him which was upheld in appeal.

The only argument made by learned counsel for the petitioner is that while passing the order of punishment the authority should have considered his entitlement for pension and then taken the

decision. This dictum would not be applicable to the case of the petitioner because he had only service of 15 years on the date when the incident took place.

Keeping in view the totality of facts it is not a case where the judicial conscience of the Court is shocked by the quantum of punishment. I draw sustenance from the observation of the Hon'ble Supreme Court in the case of Union of India and another vs S.S.Ahluwalia, 2007(7) SCC 257, wherein it has been held as follows :-

“.... The scope of judicial review in the matter of imposition of penalty, as a result of disciplinary proceedings, is very limited. The Court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved. In such a case, the Court is to remit the matter to the disciplinary authority for reconsideration of the punishment. In an appropriate case, in order to avoid delay the court can itself impose lesser penalty.....”

Resultantly the petition is dismissed.

Since the main case has been decided, the Civil Misc.Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

April 27, 2015
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