

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

C.W.P. No.8436 of 2015

Date of Decision : 01.05.2015

Tek Chand

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rajeev Anand, Advocate
for the petitioner.

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 charges dated 25.08.2010, preliminary proceedings, inquiry report dated 08.11.2010 and the orders dated 16.11.2010, 11.09.2012 and 09.09.2014 holding the petitioner guilty and awarding the punishment of stoppage of annual increments and reduction of pay by two stages for a period of two years.

The petitioner was appointed directly as a Head-Constable (Ministerial) in the year 2006. In the year 2009 he was charge-sheeted for various acts of omission and commission. After regular inquiry the aforesaid punishment was given to the petitioner. His appeal and revision

having been dismissed he is before this Court. The arguments raised by the learned counsel is that actually the acts complained of were only as a result of the fact that the petitioner was extremely overworked. He had been given the charge of four seats and his demand for separate computer had also not been fulfilled.

I find from the record that various warning letters have been issued to the petitioner. All these facts were considered by the punishing authority to come to the conclusion that the petitioner was not only guilty of the acts complained of, he had also been asked many times to be more careful but even that had not got the desired result. In my opinion, this Court sitting in its extraordinary jurisdiction can not sit in an appeal over facts like whether the petitioner was overworked and that resulted in negligence or not. The parameter for judicial interference in matters of punishment was laid down in 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.....”

Keeping in view the nature of allegations, I am not convinced that the punishment imposed is disproportionate to the charges levelled

against the petitioner. Further there is no allegation of either malafide or that any principle of governing the domestic inquiry has been violated. I regret my inability to interfere.

In the circumstances, the petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 01, 2015

ashish

**(AJAY TEWARI)
JUDGE**