

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

LPA No. 95 of 2015

DATE OF DECISION : 03.03.2015

Sandeep Yadav

.... APPELLANT

Versus

Union of India and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Ram Darshan Yadav, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 11.12.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 10013 of 2014) filed by the appellant herein challenging the order dated 23.03.2011 (Annexure P-1) dismissing him from service, which was upheld in appeal, revision and the mercy petition, has been dismissed.

We have heard learned counsel for the appellant and have gone through the order passed by the learned Single Judge as well as the orders challenged in the writ petition.

Before the learned Single Judge, the appellant did not question the fairness of the domestic enquiry conducted against him, on the basis of

which the aforesaid punishment of dismissal from service was awarded. However, an argument was raised that the punishment of dismissal from service awarded to the appellant is disproportionate to his guilt. This contention was rejected by the learned Single Judge, while observing as under :-

“So far as the argument raised by learned counsel for the petitioner that the punishment awarded to the petitioner was disproportionate to the proved misconduct is concerned, the same has been duly considered, but has not been found worth acceptance. It is so said, because in the given fact situation of the present case, petitioner has got no case either on facts or in law. He has been granted due opportunity to defend himself at every relevant stage of the proceedings. Being a member of the disciplined force, petitioner was not supposed to misconduct himself to such an extent that he would tarnish the image of the force itself. Under these circumstances, it can be safely concluded that the punishment awarded to the petitioner was not harsh or disproportionate to the proved misconduct. Thus, the impugned orders deserve to be upheld, for this reason also.”

Before us also, the same contention has been raised. After hearing learned counsel for the appellant and going through the impugned order as well as the nature of charges levelled against the appellant, i.e. purchase and consumption of liquor at the place of duty; beating and disobeying the senior officers; and dereliction in performance of the duty, which have been duly proved against him in the domestic enquiry, we are of the opinion that it is not a case where the punishment awarded to the appellant is

disproportionate to his guilt. Thus, we do not find any ground to interfere in the order passed by the learned Single Judge.

No merit.

Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

March 03, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**