

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1142 of 2015
Date of Decision:-15.2.2016.

Tek Chand

.....Appellant

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Mr. Gurpreet Singh, Advocate for the appellant.

Mr. Prateek Gupta, Advocate for Union of India.

SURYA KANT, J. (ORAL)

1.) This Letters Patent Appeal is directed against the order dated 1.5.2015 whereby learned Single Judge declined to interfere with the disciplinary action taken against the appellant or the resultant punishment awarded to him and has consequently dismissed his writ petition.

2.) The respondents have been called upon only on the limited ground as to whether the punishment awarded to the appellant is disproportionate to the nature of charges proved against him and whether it requires re-consideration?

3.) The appellant is a Head Constable (Ministerial) in the Central Reserve Police Force (for short 'CRPF'). He was subjected to disciplinary action on following three charges:-

(i) He had wrongly shown 'disposed of' the Medical Reimbursement Claim of a Constable though it was still pending consideration for removal of observation;

(ii) The appellant is not having knowledge of Rules and is incompetent in drafting letters and inactive in official duties.

(iii) He proceeded on leave and regarding the pending work, he told that there was no letter pending with him for disposal, whereas

4.) The appellant led no evidence in the domestic inquiry despite opportunity. The disciplinary authority imposed the following punishment on him:-

“Reduction of pay by two stages from Rs.8770-00 to Rs.8120-00 in the time scale of pay of Rs.5200-00 to 20,200 for a period of two years with effect from the date of issue of this order is imposed on him. The individual will not earn increments of pay during this period of reduction and that on expiry of this period, the reduction will have the effect of postponing the future increments of his pay”.

5.) His appeal, revision and review petition were also turned down.

6.) We have heard learned counsel for the parties and gone through the record, especially, the nature of allegations levelled against the appellant. Since the appellant has taken the plea that he was looking after the work of four seats and was genuinely overburdened due to which the inadvertent mistakes had occurred, it appears to us in the interest of justice to remit the case to the Inspector General of Police, CRPF, Jammu Sector for the limited purpose to consider whether there exist mitigating circumstances which may invite sympathetic consideration for the reduction in punishment. If permissible under the Rules, the appellant may be given personal hearing also. It shall be appreciated if the Inspector General of Police, CRPF, Jammu Sector passes an appropriate order within a period of four months. The order passed by the Reviewing Authority as well as the learned Single Judge stand modified to this extent.

(7.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

February 15, 2016.

sandeep sethi