

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

**LPA No.1837 of 2015 (O&M)**

**Date of Decision : 21.3.2016**

Lachhmi Chand

....Appellant

Versus

Life Insurance Corporation of India and others

...Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MRS.JUSTICE LISA GILL**

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1. Whether Reporters of Local Newspapers 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?

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Present: Mr.Vijay Kumar Rana, Advocate  
for the appellant.

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**MAHESH GROVER.J.**

The appellant has filed the instant appeal against the judgment of the learned Single Judge dated 23.9.2015 vide which the writ petition questioning the imposition of penalty of reduction of pay by three stages in the time scale applicable to him was dismissed.

The charge against the appellant was of issuing a cheque dated 16.5.2006 for an amount of Rs.74,076/- to tide over an audit objection, which was dishonoured on account of

insufficiency of funds within two days of its presentation. The charge which the appellant faced was of seeking refund of this very amount from his employer knowing fully well that the cheque which was intended to meet the audit objection was a bad one, dishonoured on account of lack of funds.

After the issuance of a show cause notice and upon consideration of the reply submitted by the appellant proceedings were determined against him leading to imposition of penalty which was questioned in the writ petition which now stands dismissed and in appeal learned counsel for the appellant contends with reference to the facts that the amount in any eventuality was subsequently deposited in July 2006 in two installments which is not disputed by the respondents and therefore once they had not suffered any loss on this count, the imposition of penalty was harsh.

After hearing the learned counsel for the appellant, we are of the opinion that the conduct of the appellant stands established and is rather amplified by his conduct when he first issued a cheque knowing fully well that he did not have the requisite funds in his account to meet it and subsequently made a request for refund of this amount soon thereafter which he did and later on when the fact was discovered he responded by depositing it back again in two installments.

If the reply of the appellant to the disciplinary proceedings initiated by the respondents is seen, then he candidly concedes that he did not have the knowledge of the funds in his account at the time of issuance of cheque. This singular conduct coupled with the attempt to retrieve the said amount from his employer knowing fully well that the said amount had not found its way to the bank in view of insufficiency of funds in the account of the appellant would reveal his dishonest and manipulative mind set for which he had been adequately punished by his employer who found the dishonest conduct to be distasteful.

In so far as quantum of punishment is concerned, we are of the opinion that it would not be prudent for us to interfere with the same as it would be a question of perception and unless it is shown to be grossly perverse, we would not like to substitute our opinion over the one arrived at by the competent authority whose view has been affirmed by the learned Single Judge.

Appeal dismissed.

(MAHESH GROVER)  
JUDGE

21.3.2016  
dss

(LISA GILL)  
JUDGE