

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

Sr. No.205

**LPA No.2271 of 2016 (O&M) in
CWP No.1716 of 1998
Date of decision: 24.05.2018**

State of Haryana and another

....Appellants

versus

Ajit Singh and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE DEEPAK SIBAL**

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Present: Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. S.P. Chahar, Advocate
for respondent No.1.

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RAJESH BINDAL, J.

The State is in appeal against the order dated 11.05.2016 passed by the learned Single Judge. While setting aside the order of punishment, the matter has been remitted back to the competent authority with directions to award punishment other than dismissal/removal.

The only grievance raised by learned counsel for the State is that the matter should not have been remitted back to the competent authority as no discrepancies have been pointed out in the punishment awarded by the competent authority. The competent authority should be allowed to re-examine and consider the matter while awarding the punishment proportionate to the charge proved against the respondent-workman.

On the other hand, learned counsel for the respondent-workman

submitted that once this Court had examined the issue on merits and found that the punishment of dismissal/removal was not proportionate to prove guilt, directions were rightly issued to the disciplinary authority to award any other punishment. Hence, the order cannot be held to be unjustified.

Learned counsel for the parties have been heard. After considering the issues raised, the learned Single Judge found that the matter required reconsideration by the competent authority and once it was remitted back a restriction should not have been placed on the quantum of punishment to be awarded. It is for the competent authority to consider the entire matter and award punishment proportionate to the charge proved against the respondent-workman.

Accordingly, the appeal is allowed. However, the impugned order is modified only to the extent that there should not be any restriction on the punishment to be imposed upon the respondent-workman. The matter be considered with open mind. Final decision be taken within a period of three months from today.

(Rajesh Bindal)
Judge

(Deepak Sibal)
Judge

May 24, 2018

Jyoti 1

Whether speaking/reasoned	Yes
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Whether reportable	Yes/No
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