

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CWP-23075-2014

Date of Decision : May 26, 2022

Kasturi Lal

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sheenam Kamboj, Advocate, for
Mr. Dheeraj Mahajan, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed challenging the order dated 23.06.2014 (Annexure P-8) by which 10% pension of the petitioner has been stopped for life.

Learned counsel for the petitioner argues that in the present petition, the grievance of the petitioner is that without holding an enquiry into the allegations whether, the petitioner was responsible for the accident occurred, 10% cut in pension for life has been imposed and that too after the retirement. Learned counsel for the petitioner submits that the punishment which has been imposed upon the petitioner is disproportionate to the allegations alleged and in somewhat similar circumstances, where the negligence was alleged, this Court found that cut of 5% in pension for life is disproportionate to the allegations alleged. Learned counsel for the

petitioner places reliance upon the judgment of this Court in *CWP No.568 of 2013 titled as Jagdish Mitter versus Central Administrative Tribunal and others, decided on 19.05.2014*.

Learned counsel for the petitioner argues that the punishment imposed, has been imposed by the punishing authority after disagreeing with the Enquiry Officer, who had exonerated the petitioner of the allegations but by differing with the said report, the punishment has been imposed upon the petitioner.

Learned State counsel submits that in the present case, enquiry was held against the petitioner and the punishment has been imposed thereafter.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case where, the petitioner was found innocent by the Enquiry Officer in an enquiry report but the punishment has been imposed upon the petitioner after disagreeing with the same, still the cut in pension for life, cannot be held to be a proportionate punishment keeping in the view the allegations alleged against the petitioner. The claim of the petition in this regard is covered by the judgment of *Jagdish Mitter's case (supra)*. In the said case, the petitioner was exonerated by the Enquiry Officer though, the said report was not accepted by the punishing authority and allegation against the petitioner was of negligence only.

Keeping in view the above, impugned order dated 23.06.2014 (Annexure P-8) is set aside. The case is remanded back to the respondents to pass a fresh order in accordance with law.

The present writ petition is allowed in above terms.

May 26, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No