

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

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CWP-21432-2017

Date of Decision :-05.12.2023

Dr. Ramesh Pal Singh Malik

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Piyush Aggarwal, Advocate for
Mr. Nitin Kant Setia, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Ravi Malik, Advocate for respondents No.3 and 4.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to orders dated 30.12.2016 (Annexure P/11) and 18.04.2017 (Annexure P/12) by which, punishment of 10% cut in pension of the petitioner for life has been imposed.

2. Learned counsel for the petitioner submits that the impugned order by which, the punishment of 10% cut in pension of the petitioner for life has been imposed, is totally arbitrary and illegal keeping in view the settled principle of law settled by the Division Bench of this Court in **CWP-568-2013 tilted as Jagdish Mitter vs. Central Administrative Tribunal and others decided on 19.05.2014** as well as the order passed by this Court in **CWP-18586-2017 titled as Baljinder Singh Mann vs. State of Punjab and others decided on 04.12.2023** .

3. Learned counsel for the petitioner further submits that as per the settled principle of law, where there is no misappropriation or loss caused to the State, punishment of imposing a cut in pension for life is disproportionate to the allegations alleged and proved and as in the present case, there is no misappropriation or loss caused to the respondent-State, imposing a punishment of 10% cut in pension of the petitioner for life is disproportionate to the allegations alleged and proved against the petitioner hence, the impugned orders are liable to be set aside.

4. Learned counsel for the respondents concedes the factum that from the perusal of the impugned orders it is clear that there is no allegation of misappropriation or loss caused by the petitioner to the respondent-State and punishment of 10% cut in pension for life has been imposed upon the petitioner.

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

6. It is a settled principle of law that punishment is to be proportionate to the charges alleged and proved. Further, as per the judgment of the Division Bench of this Court in **Jagdish Mitter (supra)** where there are no allegations of misappropriation or loss caused to the State, punishment of imposing a cut in pension for life is disproportionate to the allegations alleged and proved hence, the claim of the petitioner is squarely covered by the judgment of the Division Bench of this Court in **Jagdish Mitter**, which judgment has been followed by this Court while passing order in **Baljinder Singh Mann (supra)**.

Hence, impugned orders dated 30.12.2016 (Annexure P/11) and 18.04.2017 (Annexure P/12) are set aside. Case is remanded back to the

authorities concerned to pass a fresh appropriate order, which should be commensurate with the allegations alleged and proved against the petitioner.

Let the fresh order be passed within a period of two months from the date of receipt of copy of this order.

Civil miscellaneous application pending, if any, is disposed of .

December 05, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No