

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

244

RSA-3264-2017 (O&M)

Date of Decision :27.03.2023

Satwant Singh

...Appellant

Versus

**Food Corporation of India
and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Upender Prasher, Advocate for the appellant.

Mr. C.R. Dahiya, Advocate for the respondents.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present regular second appeal, challenge is to judgment and decree dated 25.09.2014 passed by the trial Court by which, the suit filed by the appellant-plaintiff was dismissed as well as the judgment and decree of the Lower Appellate Court dated 21.12.2016 by which, the appeal preferred by the appellant-plaintiff against the judgment and decree of the trial Court dated 25.09.2014 was also dismissed.

Learned counsel for the appellant-plaintiff raised only one argument that the punishment imposed upon the applicant-plaintiff is disproportionate to the charges alleged in the facts and circumstances of the present case.

In the present case, the allegations against the appellant-plaintiff was of embezzlement. Once, the said allegations have been proved in the departmental proceedings and the punishment of dismissal from service was imposed upon the appellant-plaintiff, it cannot be said that the

punishment imposed upon the appellant-plaintiff is disproportionate to the charges alleged and proved.

Further, as per the settled principle of law, interference by the Court in the quantum of punishment can only be done in case the said punishment imposed is shocking or disproportionate in view of the facts and circumstances of the case.

In the present case, where charges/allegations of embezzlement have been proved against the appellant-plaintiff, it cannot be said that the punishment of dismissal from service is not commensurate to the charges alleged and proved.

No other argument has been raised.

Keeping in view the above, as no perversity in the findings recorded by the Courts below has been pointed out by the learned counsel for the appellant, no interference is called for by this Court and the present regular second appeal is accordingly dismissed.

**CM-7997-C-2017 & CM-4508-C-2018 &
CM-4509-C-2018**

Applications are also disposed of.

March 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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