



CWP-7277-2000 (O&M)

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

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CWP-7277-2000 (O&M)

Date of Decision :25.07.2024

Shangara Ram

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.K. Chopra, Senior Advocate with
Ms. Gurpreet Kaur Bhatti, Advocate for the petitioner.

Mr. Swapan Shorey Bhatti, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance being raised by the petitioner is qua the order dated 25.01.2000 (Annexure P/9) by which, punishment of cut of Rs.100/- per month in the pension has been imposed upon the petitioner.

Learned counsel for the petitioner argues that the punishment, which has been imposed upon the petitioner in an arbitrary and illegal manner even though the charges alleged against the petitioner could not be proved but still the punishment has been imposed and hence, impugned order dated 25.01.2000 (Annexure P/9) may kindly be set aside.

Learned State counsel on the other hand submits that the allegations alleged against the petitioner were serious as the allegations relate to interpolation of a registered documents, which allegations have

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been proved and hence, once, there is a finding that loss of Rs.5060/- was caused by the petitioner to the State exchequer, punishment of imposition of cut of Rs.100/- in the pension of the petitioner is perfectly valid and legal.

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

The jurisdiction of the Court to adjudicate the punishment imposed in departmental proceedings is very restrictive. The Court is only to ensure that proper procedure as envisaged under the prevalent Rules to hold the disciplinary proceedings has been adopted or not. The evaluation of evidence is beyond the jurisdiction of the Court so as to record a finding that charges have wrongly been proved against an employee.

Further, in the facts and circumstances of the present case, reasons in detail have been given to hold the petitioner guilty of the charges alleged against him before imposing the punishment, which is under challenge in the present petition. Once, the reasons have been given to record a particular finding, the same cannot be altered by this Court so as to take up the role of Enquiry officer or Punishing Authority.

Despite saying this, in the present case, punishment of imposition of cut of Rs.100/- per month in the pension has been imposed upon the petitioner for life time.

As per the settled principle of law, cut in pension could not be imposed for life but it should be for a particular period. The punishment of cut in pension for sum of Rs.100/- throughout life when the loss caused by the petitioner is Rs.5060/- is excessive and disproportionate to the charges alleged and proved. Normally, the Court remands the case back to the

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authority concerned to impose an appropriate punishment keeping in view the charges alleged, but as the petitioner has retired from service two decades ago, in the fitness of the things, the punishment of imposition of cut of Rs.100/- in the pension of petitioner for life is modified. It is directed that from 01.08.2024 onwards, the petitioner be paid full pension without deducting a sum of Rs.100/-, as imposition of cut in pension of Rs.100/- for the last 24 years is good enough punishment keeping in view the facts and circumstances of the present case, especially that even as per the respondents loss caused was Rs.5060/-, which has already been recovered.

Present petition stands disposed of in above terms.

Civil miscellaneous application pending if any is also disposed of.

July 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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