

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

**(103)**

**LPA-970-2023 (O&M)  
Decided on : 07.03.2024**

Lakhwinder Singh

.....Appellant(s)

Versus

Punjab State Power Corporation Ltd. and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,  
ACTING CHIEF JUSTICE  
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. R.S. Sidhu, Advocate for the appellant (s).

Ms. Gagandeep Kaur, Advocate for the respondents.

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**G.S. Sandhawalia, Acting Chief Justice (Oral)**

**CM-2474-LPA-2023**

Application for condonation of 24 days in re-filing the appeal has been filed.

Notice in the application.

Ms. Gagandeep Kaur, Advocate accepts notice on behalf of the respondents.

Keeping in view the averments made in the application, duly supported by affidavit, same is allowed. Delay of 24 days in re-filing the appeal is condoned.

CM stands disposed of.

**LPA-970-2023**

Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 28.03.2023 passed in **CWP-14546-2020**, whereby the writ petition filed by the appellant was dismissed rejecting the challenge to the order of stoppage of two annual increments with future effect passed on 13.12.2018 (Annexure P-4) and order dated 14.05.2020

(Annexure P-6), whereby the suspension period was accordingly treated as leave of kind due, was duly upheld.

2. The learned Single Judge while upholding the said orders noticed that there were three charges contained in the charge-sheet dated 02.12.2015. The Inquiry Officer came to the conclusion that the charges regarding two were proved, whereas regarding the third charge, it was held that charge is not proved. It was in such circumstances, the order dated 13.12.2018 (Annexure P-4) had been passed. The same was done after conducting proper inquiry.

3. Keeping in view the limitations of judicial review and settled law, we are of the considered opinion that the Learned Single Judge has not erred in any manner for refusing to interfere in the order of punishment. Reliance can be placed upon the judgment of the Apex Court in **Union of India and others vs. Subrata Nath 2022(16) Scale 828** wherein it has been held that decision in departmental enquiry is not liable to be interfered until such findings are patently perverse or grossly incompatible with the evidence on record. The relevant part reads as under:-

“22. To sum up the legal position, being fact finding authorities, both the Disciplinary Authority and the Appellate Authority are vested with the exclusive power to examine the evidence forming part of the inquiry report. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has the discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct. However, in exercise of powers of judicial review, the High Court or for that matter, the Tribunal cannot ordinarily reappreciate the evidence to arrive at its own conclusion in respect of the penalty imposed unless and until the punishment imposed is so disproportionate to the offence that it would shock the conscience of the High Court/Tribunal or is found

to be flawed for other reasons, as enumerated in P. Gunasekaran (supra). If the punishment imposed on the delinquent employee is such that shocks the conscience of the High Court or the Tribunal, then the Disciplinary/Appellate Authority may be called upon to re-consider the penalty imposed. Only in exceptional circumstances, which need to be mentioned, should the High Court/Tribunal decide to impose appropriate punishment by itself, on offering cogent reasons therefor.”

4.           The Apex Court in **B.C.Chaturvedi vs. Union of India and others 1996(1) SCT 617**, has held that the Court can interfere only if punishment was found shockingly disproportionate and to do complete justice. It is not the case of the appellant herein that proper procedure was not followed and there is any violation of principles of natural justice. Thus, it was within the domain of the employer to pass the order of punishment.
5.           Resultantly, there is no merit in the present appeal and the same is dismissed in limine.

(G.S. SANDHAWALIA)  
ACTING CHIEF JUSTICE

07.03.2024  
Naveen

(LAPITA BANERJI)  
JUDGE

|                             |      |     |
|-----------------------------|------|-----|
| Whether speaking/reasoned : | √Yes | No  |
| Whether Reportable :        | Yes  | √No |