



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

CWP-11989-2021 (O&M)

Date of Decision : 03-09-2024

INDERJIT SINGH HUNDAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. C.L Premy, Advocate with
Mrs. Raman Rekhi, Advocate for
for the petitioner.

Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that the respondents vide impugned order dated 16.02.2012 (Annexure P-10) imposed a punishment of cut in pension to the tune of 5% for the rest of life, upon the petitioner, which act on the part of the respondent is totally arbitrary and illegal and disproportionate to the charges alleged against the petitioner as well as the letter dated 26.07.2012 (Annexure P-12) whereby the appeal filed by the petitioner has been rejected without giving any reasons.

Learned counsel for the petitioner submits that keeping in view the charges alleged against the petitioner, as there was no loss caused to the State Exchequer, the punishment of cut in pension imposed and that too to

the tune of 5% for the rest of life is totally disproportionate to the charges alleged against the petitioner.

Learned counsel for the petitioner further submits that, the appellate authority has passed a one line order rejecting the appeal of the petitioner that after consideration, the same is rejected without even stating the reasons for not accepting the claim of the petitioner in the appeal, which cannot not sustained.

Learned counsel for the respondent-State submits that in the order deciding the appeal, the appellate authority has already mentioned that the official did not produce any new fact and only mentioned that it was only due to heavy workload the actual facts escaped notice while recording the MLR of the patient, hence the appeal has rightly been dismissed.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

A bare perusal of the appeal filed by the petitioner against the punishment order would show that various arguments had been raised with regard to the imposition of punishment. None of the grounds have been dealt with by the appellate authority while dismissing the appeal filed by the petitioners. Even the argument that the punishment imposed is disproportionate to the charges alleged and 5% of cut in pension cannot be imposed for the rest of life, no such decision has been taken by the appellate authority on the said argument.

Further, as per the judgment of the Division Bench of this Court in ***LPA NO.340 of 2017 titled "Gurcharan Singh Vs. State of Punjab and ors."*** decided on 08.02.2023, wherein it has been held that where there is no allegation of causing loss to the State Exchequer, the punishment of cut in

pension cannot be imposed for life and the appellate authority is liable to reconsider the issue so as to pass appropriate speaking order by following the due process hence, the order dated 16.02.2012, copy of which has been appended as Annexure P-10 is set aside with a direction to the appellate authority to pass fresh appropriate speaking order on the appeal of the petitioner in accordance with the law by keeping in view the settled principle of law noticed hereinabove.

Let the fresh order be passed within a period of 8 weeks from the receipt of copy of this order.

Present petition is disposed of in above terms.

Pending application, if any, also stands disposed of.

03-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO