

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

205

CWP-16870-2014

Date of Decision :23.01.2024

Bhanwar Singh**...Petitioner**

Versus

State of Haryana and others**....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ravi Malik, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioner is that impugned order of punishment dated 20.05.2010 (Annexure P/2) by which, punishment of stoppage of two increments with cumulative effect has been reduced to that of stoppage of one increment with cumulative effect as well as order 02.02.2011 (Annexure P/3) by which, the petitioner has not been paid anything for the suspension period over and above the subsistence allowance already paid by the respondents be set aside being arbitrary and illegal.

2. Learned counsel for the petitioner submits that keeping in view the fact that petitioner has been exonerated of the similar charges in the criminal proceedings, impugned order of punishment is arbitrary in the eyes

of law.

3. Learned counsel for the respondents on the other hand submits that in the present case, punishment of stoppage of two increments with cumulative effect has been imposed upon the petitioner by the punishing authority by passing order dated 18.06.2009 (Annexure P-1) as the charges have been proved against the petitioner during the disciplinary proceedings, which punishment was challenged by the petitioner by way of filing an appeal and in the said appeal, vide order dated 20.05.2010 (Annexure P/2) by taking a lenient view by the appellate authority, punishment of stoppage of two increments with cumulative effect had been reduced to that of stoppage of one increment with cumulative effect. Learned counsel for the respondents further submits that keeping in view the rules governing the service, once the petitioner was found guilty of the allegations alleged against him, it was decided by the authority concerned not to pay him anything over and above the subsistence allowance already paid during the suspension period, which decision is perfectly valid and legal.

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

5. It may be noticed that while considering the imposition of punishment, this Court is not to sit in appeal over the decision of the punishing authority or the appellate authority. The only issue which can be adjudicated by the Court is, as to whether while holding the disciplinary proceedings, due procedure as envisaged under law, has been followed or not. Further, imposition of punishment can only be interfered with by the Court in case the punishment is highly disproportionate to the charges

alleged and proved against an employee concerned.

6. In the present case, punishment of stoppage of two increments with cumulative effect had already been reduced to that of stoppage of one increment with cumulative effect by taking a lenient view by the appellate authority. Further, keeping in view the charges alleged and proved against the petitioner, imposition of stoppage of one increment with cumulative effect cannot be treated to be highly disproportionate hence, the same needs no interference by this Court.

7. With regard to the argument of the learned counsel for the petitioner that order dated 02.02.2011 (Annexure P/3) by which, payment during the suspension period has been restricted to the subsistence allowance already paid, it may be seen that the said power exists with the respondent-department under Rule 7.3 of the Punjab Civil Services Rules, Volume-1, Part-I, (as applicable to Haryana), which was in operation at the time when the said decision was taken by the respondents. Once the allegations alleged against the petitioner have already been proved and punishment has been imposed, the respondents are well within their right to decide that no payment over and above the subsistence allowance already paid, is to be made to the petitioner.

8. Learned counsel for the petitioner has not been able to show as to how the said decision is arbitrary, illegal and is contrary to the rules governing the service.

9. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present writ petition is accordingly dismissed.

10. Civil Miscellaneous application pending, if any is also disposed of.

January 23, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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