



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

**CWP-22090-2020 (O&M)
Date of Decision : 03-09-2024**

HARBINDER SINGH DHAMIPetitioner
STATE OF PUNJAB AND ANRRespondent(s)
VERSUS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.S Dhami, Advocate 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 punishment of cut in pension to the tune of 20% for the rest of life, has been imposed 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.

Learned counsel for the petitioner submits that the only allegation against the petitioner was that without verifying the record of one Vijay Singh, who was working as SS Master the same was forwarded for consideration for promotion, due to which Vijay Singh, who was otherwise not entitled for promotion was granted promotion to the post of Lecturer.

Learned counsel for the petitioner further submits that the petitioner was only forwarding the record of said Vijay Singh and the promotion orders were issued by the competent authority hence, as there was

no loss caused to the State Exchequer, the punishment of cut in pension imposed and that too to the tune of 20% for the rest of life is totally disproportionate to the charges alleged against the petitioner.

Learned counsel for the petitioner submits that against the order of punishment, the petitioner had preferred an appeal and the appellate authority without even discussing the objections raised to the punishment imposed, passed a totally cryptic and non-speaking order which is even otherwise liable to be set aside keeping in view the settled principle of law.

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 the workload that the actual facts escaped notice while verifying the record 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 petitioner. Even the argument that the punishment imposed is disproportionate to the charges alleged and 20% 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 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 16.10.2018, copy of which has been appended as Annexure P-8 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