

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

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2025:PHHC:164461-DB

**CWP No. 7133 of 2019 (O&M)****Date of decision: 27th November, 2025****HC Charanjit Singh****..Petitioner****Versus****Chandigarh Administration
through Secretary Home and others****..Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Ashish Rawal, Advocate for the respondents.

HARSIMRAN SINGH SETHI, J(Oral)

1. In the present petition, the challenge is to the order dated 13.09.2018 (Annexure P-6) passed by the learned Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'the Tribunal') by which orders dated 20.07.2015 (Annexure P-4), 13.04.2015 (Annexure P-3) and 26.12.2014 (Annexure P-2) passed by respondents No. 2 to 4 respectively vide which punishment of forfeiture of 2 years of approved services for increment purpose with permanent effect has been imposed by disciplinary authority and upheld by the appellate and revisional authority, have been affirmed.

2. Learned counsel for the petitioner argues that though the punishment was also challenged before the Tribunal but the same was not pressed and only argument pressed before the Tribunal was that keeping in view the allegations alleged and proved, the imposition of major

penalty of stoppage of two increments with cumulative effect was disproportionate which argument has not been appreciated in correct perspective by the Tribunal while passing the impugned order.

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

4. It may be noticed that the allegation, which was alleged against the petitioner was that he was under the influence of liquor while on duty. The said allegations have been proved in the Departmental Inquiry and the petitioner has not challenged the finding of guilt. A Police officer, who is required to maintain law and order and is expected to prevent drunken driving cannot himself be on duty in an intoxicated condition. Once, such an allegation is proved against a police officer, the punishment must be imposed keeping in view the nature of duties to be performed and the allegations alleged against such police officer. The allegations are infact grave and in case any police officer who is under the influence of liquor and that too while on duty, is given a minor punishment, it will send a wrong message to the discipline force that as and when the discipline is violated, they will suffer a minor penalty and not the major one.

5. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.219 of 2023 titled as, Union of India and others vs. Const. Sunil Kumar decided on 19.01.2023***, the disproportionate punishment can also not to be interfered with unless and until the punishment imposed is shockingly disproportionate to the charges alleged and proved against the employee concerned. Relevant paragraphs of the said judgment are as under:-

‘6.2 Even otherwise, the Division Bench of the High Court has materially erred in interfering with the order of penalty of dismissal passed on proved charges and misconduct of indiscipline and insubordination and giving threats to the superior of dire consequences on the ground that the same is disproportionate to the gravity of the wrong. In the case of Surinder Kumar (supra) while considering the power of judicial review of the High Court in interfering with the punishment of dismissal, it is observed and held by this Court after considering the earlier decision in the case of [Union of India Vs. R.K. Sharma](#); (2001) 9 SCC 592 that in exercise of powers of judicial review interfering with the punishment of dismissal on the ground that it was disproportionate, the punishment should not be merely disproportionate but should be strikingly disproportionate. As observed and held that only in an extreme case, where on the face of it there is perversity or irrationality, there can be judicial review under [Article 226](#) or 227 or under [Article 32](#) of the Constitution.

6.3 Applying the law [laid down by](#) this Court in the aforesaid decision(s) to the facts of the case on hand, it cannot be said that the punishment of dismissal can be said to be strikingly disproportionate warranting the interference of the High Court in exercise of powers under [Article 226](#) of the Constitution of India. In the facts and circumstances of the case and on the charges and misconduct of indiscipline and insubordination proved, the CRPF being a disciplined force, the order of penalty of dismissal was justified and it cannot be said to be disproportionate and/or strikingly disproportionate to the gravity of the wrong. Under the circumstances also, the Division Bench of the High Court has committed a very serious error in interfering with the order of penalty of dismissal imposed and ordering reinstatement of the respondent.

6. Learned counsel for the petitioner has not been able to dispute the said proposition of law.

7. Keeping in view the above, as no perversity in the order passed by the punishing authority, appellate authority, revisional authority or by the Tribunal has been pointed out by the learned counsel

for the petitioner, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

8. Civil miscellaneous application pending if any is also disposed of .

(HARSIMRAN SINGH SETHI)
JUDGE

27th November, 2025

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :Yes
Whether reportable : No