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

CWP-4531-2004 (O&M)**Date of Decision: 26.11.2025**

Babu Lal

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aditya Yadav, Advocate,
Mr. Viransh Ghawari, Advocate,
Ms. Hemlata Sandhu, Advocate and
Mr. Atul Bhardwaj, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 14.05.2003, 22.05.2003 and 21.10.2003 whereby respondent has ordered to recover penal rent of Rs.61,372/- and further imposed punishment of forfeiture of one increment with permanent effect.

2. Learned counsel representing the petitioner submits that petitioner was allotted Quarter No.133 in Police Line, Faridabad. He was neither transferred nor retired still was asked to vacate his Quarter on the ground that behaviour of his children is bad. His children were school-going, thus, it was difficult to vacate accommodation in September being mid-term of school-going children. The respondent without issuing show cause notice and granting opportunity of hearing

imposed penal rent of Rs.61,372/- which was later on recovered. The petitioner, at this stage, does not dispute levy of penal rent, however, it was unjustified to impose punishment of forfeiture of one increment with permanent effect.

3. *Per contra*, learned State counsel submits that respondent conducted regular inquiry and found petitioner guilty of disobeying orders of Superintendent of Police (SP). He did not vacate Quarter, thus, was liable to punishment.

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

5. From the perusal of record, it is evident that petitioner was subjected to penal rent on account of occupying Quarter despite orders of SP. He was not transferred or retired still was asked to vacate Quarter because of alleged bad behaviour of his children. On account of non-vacation of accommodation, he was subjected to punishment of penal rent as well as forfeiture of one increment.

6. The Supreme Court time and again has reminded that High Court cannot examine factual position and disturb findings recorded by departmental authorities. The Court has further held that High Court cannot re-quantify quantum of punishment, however, if Court finds that punishment awarded is disproportionate to alleged offence, the Court may ask the authorities to re-consider quantum of punishment.

6.1 In *Om Kumar v. Union of India, (2001) 2 SCC 386* a matter came up for hearing on account of an order of Supreme Court dated 04.05.2000 proposing to re-open the quantum of punishments

imposed in departmental inquiry on certain officers of the Delhi Development Authority who were connected with the land of the DDA allotted to M/s. Skipper Construction Co. It was proposed to consider imposition of higher degree of punishment in view of the role of these officers in the said matter. The question posed before the court was whether the right punishment was awarded to the officers in accordance with well known principles of law or whether the punishments required any upward revision. Proportionality as a constitutional doctrine has been highlighted therein.

6.2 In ***Bhagat Ram v. State of Himachal Pradesh, (1983) 2 SCC 442***, the Apex Court held that any penalty which is disproportionate to the gravity of misconduct would be violative of Article 14 of the Constitution of India. The relevant extracts of the judgment read as:

“15. ... It is equally true that the penalty imposed must be commensurate with the gravity of the misconduct, and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution. ...”

7. In the case in hand, the petitioner was awarded punishment of forfeiture of one increment with permanent effect despite imposition of penal rent. Both punishments were awarded for one misconduct i.e. disobeying orders of SP to vacate Quarter. Plea of petitioner seems to be reasonable. Punishment of forfeiture of increments was not justified in view of imposition of penal rent.

8. Considering the facts and circumstances of the case, this Court finds it appropriate to set aside impugned order dated 21.10.2003

(Annexure P-10). It is made clear that petitioner would not be entitled to interest on arrears, if any.

9. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

26.11.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No