

**CWP-10928-2025****1**

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

(111)**CWP-10928-2025****Date of Decision : April 23, 2025****Deshraj****.. Petitioner**

Versus

**The High Court of Punjab and Haryana at Chandigarh and another
.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**Present: Mr. Deshraj- petitioner in person.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 27.09.2021 (Annexure P-6) passed by the District and Sessions Judge, Palwal by which, upon holding of the departmental proceedings against petitioner, punishment of stoppage of five increments of the petitioner with cumulative effect has been imposed upon petitioner, which order in appeal has been modified by the Appellate Authority on 20.07.2023 (Annexure P-7) that instead of five increments, only three increments will be stopped with cumulative effect.

2. The petitioner, who appears in person, submits that the punishment which has been imposed upon him is not commensurate to the charges alleged and proved against him though, he concedes during the hearing that the allegations alleged against him was accepted.

3. I have heard the petitioner, who appears in person.



4. The Appellate Authority after considering all the facts has already reduced the punishment from stoppage of five increments with cumulative effect to three increments with cumulative effect. Further, the argument that the said punishment is still disproportionate to the charges alleged and proved against the petitioner is to be seen in the light of the judgment of 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**, wherein, it has been held that even if the punishment imposed is disproportionate to the charges alleged and proved, the Courts can only interfere in case the same is shockingly disproportionate to the charges alleged and proved. The relevant paragraph of the said judgment is 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

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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.

6.4 At this stage, it is required to be observed that even while holding that the punishment/penalty of dismissal disproportionate to the gravity of the wrong, thereafter, no further punishment/penalty is imposed by the Division Bench of the High Court except denial of back wages. As per the settled position of law, even in a case where the punishment is found to be disproportionate to the misconduct committed and proved the matter is to be remitted to the disciplinary authority for imposing appropriate punishment/penalty which as such is the prerogative of the disciplinary authority. On this ground also, the impugned judgment and order passed by the Division Bench of the High Court is unsustainable.”

5. In the present case, the punishment imposed upon the petitioner after the allegations were conceded by the petitioner, is not shockingly disproportionate to the charges alleged and proved. Hence, no ground is made out for any interference by this Court in the facts and circumstances of

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the present case.

6. Accordingly, the writ petition is dismissed.

7. However, it is noticed that after the punishment is over, the benefit which the petitioner is entitled for, be extended to him with regard to the release of his increments in accordance with the punishment imposed.

April 23, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No