

1

AT CHANDIGARH

CWP-15877-2025

Date of Decision : August 06, 2025

.. Petitioners

Versus

.. Respondents

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

Present: Mr. Ravindra Pal Singh, Sr. Panel Counsel, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 24.02.2025 (Annexure P-4) passed by the Central Administrative Tribunal, Chandigarh by which, the punishment of compulsory retirement imposed upon respondent No.1 has been set aside and the liberty has been granted to the petitioners to reconsider the said issue keeping in view the punishment granted to another employee namely Bir Singh against whom, the same allegations as had been alleged against respondent No.1 were alleged and he was also held guilty of the same allegations by the Enquiry Officer but Bir Singh was imposed different punishment than the one that has been imposed upon respondent No.1.

2. Learned counsel appearing on behalf of the petitioners submits that Sanjay Gupta i.e. respondent No.1 herein was issued a charge-sheet under different provisions than Bir Singh though, the allegations against both were that they had connived with each other so as to withdraw Rs.85,000/- from RD account of Jagdish Girdhar (complainant) relating to the same incident.



CWP-15877-2025 2

3. Learned counsel for the petitioners submits that once the charge-sheet was served to both the offenders under different provisions, imposing different punishment to both the employees was valid, which aspect has been ignored by the Tribunal while passing the impugned order dated 24.02.2025 (Annexure P-4) so as to set aside the punishment imposed upon the respondent No.1-employee.

4. We have heard learned counsel for the petitioners and have gone through the record with his able assistance.

5. Once, it is a conceded fact that the allegations against respondent No.1 as well as one Bir Singh were that they had connived with each other so as to fraudulently withdraw Rs.85,000/- from a particular RD account while discharging the duties assigned to them and it is a conceded fact that the punishment, which was imposed upon Bir Singh, was stoppage of one annual increment with cumulative effect, which punishment also was reduced by the Appellate Authority to the extent of withholding one increment without cumulative effect, as recorded by the Tribunal in paragraph 7 of the impugned order, which fact has gone un-rebutted, imposition of a major punishment upon respondent No.1 on the same allegation as has been alleged and proved against Bir Singh, will amount to imposing of the punishment by pick and choose method despite there being no difference between the allegations alleged against the two employees involved in the same offence and accused of the same allegations qua the same incident.

6. Further, the Tribunal while passing the order has placed reliance upon the judgment of the Hon'ble Supreme Court of India in



CWP-15877-2025 3

Rajendra Yadav vs. State of Madhya Pradesh and others (2013) (3) SCC

73 to hold that once two employees have been accused of the same allegations and have been proven guilty of the same allegations, different degree of punishment cannot be imposed unless and until there is a differentiating factor with regard to the allegations alleged or allegations proved.

7. In the present case, learned counsel for the petitioners has not been able to point out any differentiating factor qua the allegations alleged or proved against respondent No.1 and Bir Singh so as to impose different punishment.

8. Further, the jurisdiction of this Court qua the challenge to the order passed by the Tribunal is based upon the perversity in the orders qua the facts or evidence on record or the settled principle of law.

9. Learned counsel for the petitioners has not been able to point out any perversity in the order passed by the Tribunal qua the facts or the evidence on record or the settled principle of law.

10. Hence, no interference is called for by this Court in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

August 06, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No