



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

202-1

CWP-9974-2016

Date of Decision: 02.12.2025

SUBE SINGH

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.N. Lohan, Advocate with
Ms. Nisha Rani, Advocate and
Ms. Manisha, Advocate
for the petitioner

Mr. Ravi Partap Singh, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of:-

- i. Order dated 05.07.2012 whereby he was awarded punishment of recovery;
- ii. Order dated 11.07.2012 whereby he was awarded punishment of stoppage of 10 future annual increments with permanent effect;
- iii. Order dated nil whereby he was awarded punishment of forfeiture of seven increment with permanent effect;
- iv. Order dated 15.11.2013 whereby his revision petition was dismissed; and
- v. Order dated 25.01.2014 whereby his second appeal was rejected;

2. The petitioner belongs to Haryana Police Force. He is holding post of Driver. The respondent initiated departmental inquiry against him alleging misappropriation of petrol expenses. He was served two different chargesheets. The Inquiry Officer conducted inquiry and found him guilty of making wrong entries in the log book. The entries made in log book were compared with GPS installed in the vehicle itself. The Disciplinary Authority agreed with the inquiry report and inflicted punishment of forfeiture of 10 increments with permanent effect vide order dated 11.07.2012. The Disciplinary Authority further ordered to recover loss caused by petitioner. He preferred appeal before Appellate Authority which reduced punishment from forfeiture of 10 increments to 7 increments. He unsuccessfully preferred revision before DGP.

3. Learned counsel for the petitioner submits that log book is countersigned by Incharge of the vehicle. The respondent did not implicate Incharge of the vehicle and held the petitioner guilty. GPS was not working in rural areas, thus, correct figure was not recorded.

4. On being confronted with statement of witnesses recorded by Inquiry Officer, learned counsel for the petitioner submits that respondent besides passing order of recovery has imposed punishment of forfeiture of 7 increments. The punishment of forfeiture of 7 increments is harsh and this Court may be pleased to reduce said punishment.

5. Learned State counsel reiterated contents of impugned orders and submitted that there was no infirmity in the impugned orders.

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

7. From the Inquiry report and impugned orders, it is evident that there was lapse on the part of the petitioner, thus, he was liable to restore loss caused by him. Order of recovery of alleged loss is just and fair. No interference in the order of recovery is warranted. However, matter with respect to quantum of punishment needs to be examined.

8. 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.

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.

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. ...”

9. In the case in hand, the petitioner was awarded punishment of forfeiture of 7 increments with permanent effect without order of recovery of alleged loss. Plea of petitioner qua quantum of punishment seems to be reasonable. The respondent was bound to award punishment proportionate to alleged offence. The punishment awarded by disciplinary authority did not commensurate to the alleged offence and needs to be modified.

10. In the normal course, matter ought to be remanded to authorities to reconsider quantum of punishment. However, in this particular case, this Court does not find it appropriate to remand the matter because a period of more than 10 years has already passed away. There are all possibilities that remand would multiply the litigation. Thus, to cut short the litigation and considering the punishment of forfeiture of 7 increments harsh and against the principle of proportionality, this Court deems it appropriate to reduce the quantum of punishment to forfeiture of four increment with consequential benefits.

- 11. Disposed of in above terms.
- 12. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

December 02, 2025
Deepak DPA

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