

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

2025:PHHC:016317-DB



CIVIL WRIT PETITION No. 6014 of 2017 (O&M)
Reserved on : 21.11.2024

Date of Decision: **4th February, 2025.**

Sudhir Jiwan

....Petitioner

versus

High Court of Punjab & Haryana and another

.....Respondents

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CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGE

Present : Mr. Mukesh Rao, Advocate,
for the petitioner.

Ms. Divya Sharma, Advocate,
for respondents No.1 and 2.

SHEEL NAGU, CHIEF JUSTICE

Instant petition is filed by a judicial officer, who is member of Superior Judicial Services, under Article 226 read with Article 227 of Constitution of India, seeks quashment of charge-sheet dated 07.06.2014 and the consequential statement of imputation (Annexure P-1) and rejection of the prayer for dropping of the disciplinary enquiry vide order dated 16.02.2017 (Annexure P-12).

2. The article of charges alleged against the petitioner are as follows:-

"1. That while posted as Additional District & Sessions Judge, Narnaul, you dealt with motor accident claim cases as Motor Accident Claims Tribunal, you awarded sums ranging from

Rs.25,000/- to Rs.45,000/- in seven cases bearing MACT Case No. 35/10 titled Sawat Ram versus Ram Singh decided on 12.10.2011, MACT Case No. 240/10 titled Hanuman versus Kanwar Singh decided on 02.11.2011, MACT Case No. 272/10 titled Santosh Devi versus Jaipal Singh decided on 09.12.2011, MACT Case No. 103/09/10 titled Daya Nand versus Rakesh Kumar decided on 10.02.2012, MACT Case No. 133/10/12 titled Amit Kumar versus Jogender decided on 24.08.2012, MACT Case No. 264/11/12 titled Bishambar versus Rohtash decided on 17.01.2013 and MACT Case No. 222/11/12 titled Suresh versus Jai Singh decided on 05.02.2013 as compensation for loss of love and affection and awarded substantially heavy amounts of Rs.20,69,688/- and Rs.18,25,400/- in MACT Case Number 266/10 titled Saroj versus Ajit and MACT Case number 226/10 titled Beena Devi versus Anil, respectively, as compensation for loss of love and affection without giving any justifiable grounds or reasons and without relying upon or referring to any case law/precedent for awarding such huge amounts of compensation. You granted abovesaid substantially heavy amounts as compensation on account of loss of love and affection for some extraneous considerations.

It is incumbent upon a Judicial Officer to work without fear, favour, ill will or malice but your aforesaid acts reflect your unjustified inclination towards the said claimants and working with biased mind and judicial impropriety on your part.

Thus, you have acted in a manner unbecoming of a judicial officer and misconducted yourself and lowered the image of judiciary in the eyes of public.”

3. The aforesaid challenge is primarily based on the following grounds:-

- i) The decision taken by the Judicial Officer on judicial side is immune from rigours of disciplinary proceedings on the administrative side.
- ii) The order of award of compensation of Rs.20,69,688/- and Rs.18,25,400/- respectively in two MACT Cases bearing Nos.

266-2010 and 226-2010 exclusively under the head of “*loss of love and affection*” was reduced by this Court in FAO No. 276-2013 to Rs.2,50,000/- vide order dated 24.09.2016 (part of Annexure P-13 at page 287 of the paper book). The aforesaid order passed by this Court dated 29.04.2016 though was not challenged further but the connected appeal i.e. FAO No. 4979 of 2012 of the insurance company which had been dismissed on 18.09.2015 was carried upto the Apex Court and the same was dismissed by the Apex Court on 11.07.2016 in a petition for Special Leave to Appeal (C) No. 12224 of 2016. In this background, it is alleged that once the view of the petitioner on the judicial side was affirmed up to the Apex Court, the question of proceedings against him on the administrative side in disciplinary proceedings is not available to the employer.

4. The only question that needs to be considered is as to whether in the given facts and circumstances as aforesaid, was it open for the High Court to proceed against the petitioner in departmental enquiry by issuance of the impugned charge-sheet.

5. A bare perusal of the charge-sheet reveals that after alleged grant of excessive compensation for loss of love and affection of Rs. 20,69,688/- and Rs.18,25,400/- in two separate MACT cases, the High Court also alleged that the same are based on some extraneous consideration without specifying the same.

6. Non-specification of extraneous consideration may have been relevant for petitioner but considering the fact that the award of compensation under the sole head of ‘*loss of love and affection*’ was nearly 10 times the amount which is expected of a Tribunal to award, the said vague allegation of

some ‘*extraneous consideration*’ cannot come in the way of the High Court to proceed and enquire into the existence or non-existence of extraneous consideration/oblique motive by way of disciplinary proceedings.

7. It is trite law in service jurisprudence that disciplinary proceedings once commenced ought not to be interfered with unless proven *mala fide* are alleged or a bare reading of allegations contained in the charge-sheet do not disclose misconduct or the issuance of charge-sheet is against any constitutional or statutory provision. None of these factors exist in the present case.

8. Consequently, this Court does not deem it appropriate to interfere in the disciplinary proceedings commenced by the High Court against the petitioner and vacates the interim order passed by this Court on 23.03.2017 and permits the High Court to proceed with the departmental enquiry in accordance with law as expeditiously as possible.

9. With these observations, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

04.02.2025

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√