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

CWP-21499-2022

Date of decision: 29.10.2025

Ved Prakash

...Petitioner

Versus

Punjab State Power Corporation Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

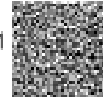
Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 13.09.2019 (Annexure P-4) passed by the learned Punishing Authority as well as order dated 30.03.2022 (Annexure P-6) passed by the Appellate Authority.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was only having a supervisory charge for a short period of seven months preceding his promotion at 66 KV Sub Station Cheema and Jandser, whereas, disciplinary proceedings have been initiated against the petitioner and he was awarded punishment in relation to the work done at 66 KV Sub Station Cheema, Jandser, Donda, Bhaikoura and Lapon and he further refers to Annexure P-6 i.e. the order of the Appellate Authority and submits that the petitioner was given an opportunity of personal hearing by the



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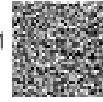
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Director/Generation on 03.08.2021 and he has also gone into the factual matrix and has concluded that the petitioner has supervised the work at Sub Station Cheema and Jandser, whereas, as per the list of charges, he has been punished for the lapses at Sub Station of Cheema, Jandser, Donda, Bhaikoura and Loapon. Pursuant to the personal hearing, the Director/Generation has recommended the punishment imposed upon the petitioner appears to be higher which may be considered, however, the Appellate Authority has not considered the same and without application of mind reiterated the punishment of 5% cut for life in the pension of the petitioner.

3. He further submits that the punishment imposed upon the petitioner is not proportional and his case is squarely covered by the judgment rendered by the Division Bench of this Court passed in CWP No.568 of 2013 titled as 'Jagdish Mitter Vs. Central Administrative Tribunal and others' decided on 19.05.2014.

4. There is no representation on behalf of the respondent-Corporation, however, the written statement on behalf of the respondents is perused and regarding reply to para No.8, it has been specifically submitted that the charge sheet has been issued to the petitioner only for lapses during the construction work of Sub Station at Cheema and Jandser and the rest of the contents were denied and justified the imposition of 5% cut for perpetuity in pension of the petitioner.

5. In rebuttal, learned counsel for the petitioner refers to Annexure R-1 attached with the written statement filed on behalf of the respondent-Corporation and submits that even the perusal of Annexure R-1 indicates that



the petitioner supervised the civil works at Sub Station in Cheema, Jandser, Donda, Bhaikoura and Lapon and during the works, no inspection was conducted, however, there is no reference to the observation made by the Director Generation while granting personal hearing on 03.08.2021.

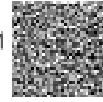
6. Having heard learned counsel for the petitioner and upon perusal of the record, it transpires that the petitioner was holding only a supervisory charge for a limited period preceding his promotion and the charges pertained mainly to the 66 KV Sub-Stations at Cheema and Jandser. Further, the Appellate Authority while affirming the order of punishment has not considered the observations and recommendations made by the Director/Generation during the course of personal hearing on 03.08.2021 with regard to the proportionality of the punishment imposed.

Reliance in this regard can be placed on a two Judge Bench of Hon'ble Supreme Court in ***B.S. Hari Commandant vs. Union of India and Others 2023 SCC OnLine SC 413*** has further reiterated that the quantum of punishment must be proportionate to the alleged offence. Speaking through Justice Ahsanuddin Amanullah, the following was opined:

“33. In Bhagat Ram v. State of Himachal Pradesh, (1983) 2 SCC 442, it was opined:

*“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...**”*
(emphasis supplied)

34. In Ranjit Thakur v. Union of India, (1987) 4 SCC 611, this Court, in the circumstances therein, commented, at paragraph no. 27, that:



“... the punishment is so strikingly disproportionate as to call for and justify interference. It cannot be allowed to remain uncorrected in judicial review.”

35. In *Andhra Pradesh Industrial Infrastructure Corporation Limited v. S N Raj Kumar*, (2018) 6 SCC 410, this Court expounded:

“ 20.... In the realm of Administrative Law “proportionality” is a principle where the court is concerned with the process, method or manner in which the decision-maker has ordered his priorities and reached a conclusion or arrived at a decision. The very essence of decision-making consists in the attribution of relative importance to the factors and considerations in the case. The doctrine of proportionality thus steps in focus true nature of exercise — the elaboration of a rule of permissible priorities [*Union of India v. G. Ganayutham*, (1997) 7 SCC 463 : 1997 SCC (L&S) 1806]. *De Smith* [*Judicial Review of Administrative Action* (1995), para 13.085, pp. 601-605; see also, *Wade : Administrative Law* (2009), pp. 157-158, 306-308.] also states that “proportionality” involves “balancing test” and “necessity test”. The “balancing test” permits scrutiny of excessive onerous penalties or infringement of rights or interests and a manifest imbalance of relevant considerations. (emphasis supplied)”

7. In view of the aforesaid discussion, the present civil writ petition is disposed of with modification of the order dated 13.09.2019 (Annexure P-4), whereby, the punishment of 5% cut in pension in perpetuity is reduced to 5% cut in pension for a period of five years in terms of the judgment rendered by the Division Bench of this Court in *Jagdish Mitter’s case (supra)*.

(HARPREET SINGH BRAR)
JUDGE

29.10.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No