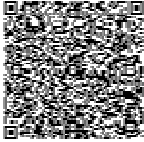


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:161899-DB



LPA-1479-2023 (O&M)
Date of Decision: 20.11.2025

Surender Kumar ...Appellant

Vs.

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. R.N. Lohan, Advocate for the appellant.

Mr. Saurabh Mohunta, DAG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of an order passed by the learned Single Judge dated 31.08.2023, in CWP-15232-2004, whereby the punishment imposed upon the appellant, by the Appellate Authority, of reinstatement in service from the initial stage of pay, has been sustained.
2. The appellant is a conductor. Charge against him was of selling diesel of the vehicle in collusion with the driver. An inquiry was conducted in the matter, in which, the appellant as well as the driver both were found guilty. Consequential orders of termination were passed. It is during the course of appeal that the Appellate Authority has modified the punishment to reinstatement in service from the initial stage of pay.

3. Learned Single Judge having gone through the material on record has come to the conclusion that the charge is serious and once it is proved, the punishment merits no interference. After having gone through the records, we are inclined to endorse the view taken by the Appellate Authority that involvement of the appellant in the alleged misconduct is established.

4. Learned counsel for the appellant, however, submits that the substance of charge against the appellant cannot be more than that of the driver particularly as during the course of inquiry it was found that the appellant had observed that the Inspector was following the vehicle, whereupon, he ran away from the spot. In case of driver also, an order of termination was initially passed which was modified in appeal with that of punishment of placement at initial of the time scale for three years. It is, therefore, submitted that a harsher punishment could not have been imposed upon the appellant.

5. Learned State counsel opposes the claim of the appellant.

6. After having gone through the inquiry report and materials on record, we are inclined to accept the contention raised on behalf of the appellant that guilt of the appellant cannot be higher than that of the driver. Once that be the position, the punishment imposed upon the appellant cannot be in excess of the punishment imposed upon the driver. In such circumstances, we allow this appeal and modify the punishment order of Appellate Authority dated 07.08.2003 and substitute it with that of placement of the appellant at initial of time scale for a period of three years. The respondents authorities shall re-calculate the entitlement of the appellant in terms of the above directions and extend such benefits to the appellant within a period of four months from the date of passing of this judgment.

7.
- Subject to this modification, the appeals stands disposed of.
8.
- All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

20.11.2025
rajesh

1. Whether speaking/reasoned?
- :
- Yes/No
2. Whether reportable?
- :
- Yes/No