

CWP-5461-2021

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

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Date of Decision: **12.05.2026**

Yash Pal Singh

....Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Vaishali Kamboj, Advocate for the petitioner.

Mr. Priyavrat Parashar, AAG, Haryana.

Mr. Sunil Kumar Dhanda, Advocate for respondents No.2
and 3.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the office order dated 01.12.2020 (Annexure P-16), whereby the appeal/representation dated 05.08.2020 against office order dated 24.07.2020 (Annexure P-10) has been rejected and a penalty of 5% cut in pension for a period of two years along with recovery of Rs.6,81,697/- from the retiral dues of the petitioner has been imposed. Challenge has also been

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laid to the office order dated 15.05.2020 (Annexure P-11), whereby an amount of Rs.6,82,317/- has been deducted from the gratuity of the petitioner, as well as Agenda No.2 of the 107th meeting dated 28.07.2020 (Annexure P-13) and Agenda No.8 of the 108th meeting dated 11.11.2020 (Annexure P-15). Further, a writ in the nature of *mandamus* has been sought directing the respondents to release the recovered amount of Rs.6,82,317/- along with all consequential benefits.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner along with one Ramesh Kumar, Manager of the Warehousing Corporation, was subjected to disciplinary proceedings and a joint inquiry was conducted against them. It is submitted that as per the inquiry report, the principal allegations pertained to the said Ramesh Kumar and the only observation recorded against the petitioner was that he had allegedly connived with the said employee in causing financial loss to the Corporation. Learned counsel submits that despite the absence of any specific or direct finding establishing misconduct on the part of the petitioner, the competent authority imposed a penalty of 5% cut in pension for a period of two years coupled with recovery of Rs.6,81,697/- from his retiral dues.

2.1 It is further contended that an identical punishment was also imposed upon Ramesh Kumar, against whom the charges stood specifically

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proved in the inquiry proceedings. Aggrieved thereof, both the petitioner as well as the said Ramesh Kumar preferred separate appeals before the Executive Committee. However, while the Executive Committee waived the penalty imposed upon Ramesh Kumar, the appeal preferred by the petitioner came to be rejected. Learned counsel submits that such action of the Executive Committee is wholly arbitrary, discriminatory and unsustainable in law.

2.2 Learned counsel further argues that the appellate order rejecting the appeal of the petitioner is a non-speaking order, as no reasons whatsoever have been assigned while affirming the punishment imposed upon the petitioner, thereby rendering the impugned order contrary to the settled principles of law requiring reasoned adjudication by quasi-judicial authorities.

3. On the other hand, learned counsel for respondents No.2 and 3-Corporation is not in a position to dispute that the foundational allegations of misconduct were primarily attributed to one Ramesh Kumar, whereas the allegation against the petitioner was merely that he had allegedly connived with the said official. Learned counsel also does not controvert the fact that the inquiry officer, in the inquiry report, did not record any specific finding establishing misconduct against the petitioner. Despite the same, the Executive Committee proceeded to waive the penalty imposed upon the

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principal delinquent official, namely Ramesh Kumar, whereas the petitioner has been imposed with the punishment of 5% cut in pension for a period of two years along with recovery of Rs.6,81,697/-.

4. I have heard learned counsel for the parties and have gone through the paper-book with their able assistance. It transpires from the record that the foundational misconduct was attributed to one Ramesh Kumar, whereas the allegation against the petitioner was limited to alleged connivance with the said official in causing financial loss to the Corporation. Admittedly, disciplinary proceedings were initiated against both the officials simultaneously and a joint inquiry was conducted. A perusal of the inquiry report dated 29.06.2013 (Annexure P-9) reveals that no direct allegation or specific finding of misconduct stood established against the petitioner.

4.1 However, the punishing authority, while disagreeing with the findings recorded by the inquiry officer, vide order dated 24.07.2020 (Annexure P-10), imposed the penalty of 5% cut in pension for a period of two years besides directing recovery of Rs.6,81,697/- from the pending retiral dues of the petitioner. Aggrieved against the said order, both the petitioner as well as Ramesh Kumar preferred statutory appeals before the Executive Committee.

4.2 A perusal of the proceedings of the 107th Meeting of the Executive Committee held on 28.07.2020 at the Head Office of Haryana

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State Warehousing Corporation (Annexure P-13) demonstrates that the Executive Committee resolved to waive the recovery of Rs.6,81,697/- from Ramesh Kumar by observing that no legal remedy remained available with the Corporation to effect such recovery. However, while considering the appeal preferred by the present petitioner, an altogether different yardstick appears to have been adopted, as is evident from the proceedings of the 108th Meeting of the Executive Committee held on 11.11.2020 at the Head Office of Haryana State Warehousing Corporation (Annexure P-15). The relevant extract thereof reads as under:-

“8. Appeal of Sh. Yash Pal Singh, District Manager (Officiating Manager (S&T) (Retd.) against punishment orders bearing Endst No.HSWC/Admn./EA-4/2020/29840-846 dated 24.07.2020.

Sh. Yash Pal Singh, District Manager (Retd.) appeared before the Executive Committee for personal hearing. During the hearing he repeated whatever was stated in his appeal.

The Executive Committee considered the entire record of the case and his appeal and found no merits in his contention. Hence the appeal was rejected.”

5. A perusal of Annexure P-15 leaves no manner of doubt that the appeal preferred by the petitioner has been rejected in a wholly mechanical and cursory manner without assigning any reasons whatsoever. It is trite law that an appellate authority while affirming or differing with an order

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affecting civil consequences is under a legal obligation to pass a reasoned and speaking order. The absence of reasons renders the impugned order arbitrary and violative of the principles of natural justice.

6. Furthermore, once the benefit of waiver has been extended to the principal delinquent official, namely Ramesh Kumar, against whom the substantive allegations stood proved, there appears to be no rational or justifiable basis to deny similar relief to the petitioner, whose role was alleged only to be of connivance. The action of the respondents in imposing a harsher consequence upon the petitioner, despite the nature of allegations being comparatively lesser, is patently discriminatory and cannot withstand judicial scrutiny. More so, when both the officials were proceeded against in respect of the very same transaction and pursuant to the same disciplinary proceedings.

7. In view of the discussion made hereinabove and without expressing further upon the merits of the case, the present writ petition is partly allowed and the respondents are directed to refund the recovered amount of Rs.6,82,317/- deducted from the retiral dues/gratuity of the petitioner along with interest @ 6% per annum from the date of recovery till the date of its actual payment. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

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8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

12.05.2026
Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No