



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

**CWP-6353-2024 (O&M)
Date of Decision: 16.01.2026**

Ravinder Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of orders passed by departmental authorities whereby he has been awarded punishment of dismissal from service.

2. The petitioner joined Police Force as Constable in 2012. In 2019, the respondent initiated departmental inquiry against him alleging that he was involved in FIR No.108 registered under Sections 420, 120-B and 166 of IPC at Police Station Dehlon, Ludhiana. The petitioner, at the first instance, was not named in aforesaid FIR, however, his name was added on the basis of statement of co-accused. As per FIR, nine persons in connivance with each other cheated complainant. They allured the complainant that amount paid by him would be doubled. On the assurance of accused, the complainant handed over a sum of Rs.5,00,000/- to accused. The Inquiry Officer found him guilty of alleged misconduct. The Disciplinary Authority vide order dated 04.10.2019 awarded him punishment of dismissal from service. He preferred an

appeal which came to be dismissed by Appellate Authority vide order dated 15.10.2020 passed by Additional Director General of Police. He preferred revision which came to be dismissed vide order dated 29.11.2023 passed by Director General of Police.

3. Learned counsel representing the petitioner submits that punishment awarded by authorities is disproportionate to alleged misconduct. The petitioner was not named in the FIR. He was made accused on the basis of disclosure statement of co-accused. The matter was compromised between actual accused and complainant, thus, FIR was quashed by this Court on the basis of compromise.

4. Learned State counsel reiterates findings of the departmental authorities and submits that no interference is warranted. The petitioner belongs to a disciplined force, thus, his conduct must be above board. He is bound to maintain high standards of discipline.

5. Heard the arguments and perused the record.

6. It is a settled proposition of law that punishment should be incommensurate to alleged offence. The principle of proportionality should be followed by all quasi-judicial and judicial authorities while awarding punishment irrespective of nature of offence. As per principle of proportionality, even punishment prescribed by legislation must be incommensurate to alleged offence. If punishment is disproportionate to alleged offence, it is violative of Article 14 of the Constitution of India.

7. In *Om Kumar v. Union of India, (2001) 2 SCC 386*, Supreme Court vide order dated 4.5.2000 proposed to re-open the quantum of punishments imposed in departmental inquiries 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 punishments in view of 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.

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. ..."

8. In the instant case, by no means or reasons, awarded punishment can be called proportionate to alleged misconduct. The petitioner was having 07 years' service to his credit at the time of passing impugned order of dismissal from service. He was not named in the FIR. He was implicated on the basis of statement of co-accused. Perusal of FIR and police report does not reveal that petitioner was prime accused. He may or may not be an accomplice but it is evident beyond the pale of doubt that he was not main accused. He never met complainant and promised to double his money. The matter was finally compromised and FIR was set aside by this Court on the basis of compromise. In these circumstances, punishment of dismissal from service seems to be harsh

and on the higher side. The quantum of punishment needs to be reconsidered.

9. The Supreme Court has held that in case Court finds that punishment awarded by authority is disproportionate to alleged misconduct, the Court should remand the matter back to competent authority to reconsider quantum of punishment, thus, matter needs to be remanded to disciplinary authority to reconsider quantum of punishment.

10. In the backdrop, the petition is **allowed** by way of remand to disciplinary authority to pass fresh order in terms of aforesaid findings. It is made clear that petitioner shall be awarded punishment other than dismissal from service. He shall be given another opportunity, subject to appropriate punishment, to serve police department. As conceded by him, he shall not be entitled to back wages for the period he remained out of service. The respondent shall consider impugned order if at any stage, he is found involved in any other crime. The needful shall be done within four weeks from today. The fresh order shall be passed after granting opportunity of hearing. At the first instance, petitioner would appear before Commissioner of Police, Ludhiana on 29.01.2026 at 11:00 AM and thereafter as directed by said Officer.

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

(JAGMOHAN BANSAL)
JUDGE

16.01.2026
Prince Chawla

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