



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

**CWP-4842-2006 (O&M)
Date of Decision: 26.02.2026**

Vijay Pal		...Petitioner
	Versus	
State of Haryana and Others		...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aditya Yadav, Advocate,
Mr. Viransh Ghawari, Advocate and
Ms. Hemlata, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

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 forfeiture of five increments with permanent effect.

2. The petitioner joined Haryana Police Force on 01.11.1984 as Constable. He was promoted as Head Constable (HC) on 31.01.1999. In 2002, the respondent initiated departmental inquiry against him alleging that his Matriculation Certificate cannot be considered as valid. The Inquiry Officer found him guilty vide report dated 30.04.2002.

3. The Disciplinary Authority vide order dated 20.08.2003 awarded him punishment of forfeiture of five increments with permanent effect. He preferred an appeal which came to be dismissed by Appellate Authority vide order dated 22.03.2004. The matter of petitioner with respect to legalization of selection was presented before Director General

of Police (**DGP**) who vide order dated 16.02.2004 opined that petitioner being outstanding sports person was eligible for appointment despite Matriculation Certificate from an unapproved organization. He granted *ex post facto* relaxation in the qualification of petitioner.

4. Learned counsel representing the petitioner submits that punishment awarded by Authorities is disproportionate to alleged misconduct. The Certificate submitted by petitioner was not forged. It was issued by Central Board of High Education. The respondent, at the first instance, accepted and issued appointment letter. He was eligible for the post of Constable without said Certificate being outstanding sports person. The DGP accepted his submissions and approved his appointment *ex post facto*.

5. *Per contra*, 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 was bound to maintain high standards of discipline.

6. Heard the arguments and perused the record.

7. It is a settled proposition of law that punishment should be commensurate 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.

8. In ***Om Kumar v. Union of India, (2001) 2 SCC 386***, Supreme Court vide order dated 4.5.2000 proposed to re-open 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. The Court has highlighted proportionality as a constitutional doctrine.

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. ..."

9. In the case in hand, petitioner submitted Certificate dated 30.09.1982 issued by Central Board of High Education. It was Certificate of Matriculation standard. The said Certificate was not a forged document. He at the time of his selection, presented said certificate. There was no connivance or concealment on his part. He was eligible for the post on the basis of his outstanding performance in sports. On the basis of said Certificate, he got admission in higher classes and completed his graduation from Government College, Bhiwani which was affiliated to Maharshi Dayanand University, Rohtak. The DGP accepting his contentions regularized his appointment *ex post facto*. These facts

collectively indicate that he was wrongly awarded punishment of forfeiture of five increments with permanent effect.

10. In the wake of above discussion and findings, the petition deserves to be allowed and accordingly allowed. On account of setting aside of punishment, arrears may arise which shall be paid within 6 months from today otherwise interest @ 6% per annum from the expiry of said period shall be payable.

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

(JAGMOHAN BANSAL)
JUDGE

26.02.2026
Prince Chawla

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