



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

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CWP-21545-2019 (O&M)

Decided on : 24.02.2026

GURPAL SINGH

...Petitioner

Versus

UNION OF INDIA AND OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Ms. Tejinder Kaur, Advocate for
Mr. Randeep Singh, Advocate for the petitioner.

Mr. Ashish Rawal, Advocate
for the respondent-UI.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 23.10.2018 passed by Central Administrative Tribunal, whereby the orders passed by respondents No. 2 to 4 in a disciplinary proceedings initiated against petitioner, whereby, the petitioner was initially compulsorily retired from service, which order of compulsorily retirement was modified in a appeal preferred against said order of punishment to the extent that the petitioner will stand reverted from a Passenger Train Guard to a Goods Train Guard with a grade pay of Rs. 2800 @ 55800/- for a period of five years, has been upheld.

2. Learned counsel for the petitioner argues that the punishment which has been imposed upon the petitioner is without following the due process of law and the said punishment is disproportionate to the allegations levelled and proved against the petitioner and therefore, the punishment of reversion as well as reduction of grade pay be set-aside with consequential

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benefits, which aspect has been ignored by the Tribunal while upholding the order of punishment dated 24.10.2017.

3. On the other hand, learned counsel for the respondents submits that the allegations levelled against the petitioner were very serious in nature as he was found to be under the influence of alcohol while being on duty coupled with fact that he did not even sign the register before leaving the premises as, he was being caught under the influence of alcohol. Learned counsel for the respondents further submits that all the said charges levelled against the petitioner were duly proved and it is only after following due process of law that the order dated 11.08.2017 imposing punishment of compulsorily retirement upon the petitioner was passed though in an appeal filed by him against said order, the same was modified to the extent of reversion of his duties from a Passenger Train's Guard to a Goods Train's Guard.

4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. It is to be noted that allegations levelled against the petitioner for which the departmental enquiry was initiated in which departmental enquiry all the charges levelled against petitioner were proved, no deficiency has been pointed out by the learned counsel for the petitioner so as to hold that the enquiry proceedings initiated against the petitioner are to be vitiated on any account.

6. In the absence of any such allegations brought to the notice of this Court so as to hold that disciplinary proceedings initiated against petitioner is defective, the holding of disciplinary proceedings against petitioner wherein allegations have been duly proved, the same cannot be

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treated as arbitrary or illegal or without jurisdiction so as to set-aside the order of punishment of reversion of the duties of the petitioner from a Passenger Train's Guard to a Goods Train's Guard.

7. Further with regard to the contention of the learned counsel for the petitioner that the punishment imposed upon the petitioner is disproportionate to the charges alleged and proved, it may be noticed that the petitioner who was appointed as a guard in the passenger train was found to be in drunken state while on duty. A person who is in ways responsible for the life of large number of passengers travelling in a train cannot be allowed to misconduct in such a manner so as to put the life of the passenger in risk

8. Keeping in view the totality of facts and circumstances, the ultimate punishment imposed upon the petitioner i.e. reversion of his duties from a Passenger Train's Guard to a Goods Train's Guard along with reduction in pay cannot be treated disproportionate to the charges levelled and proved against him.

9. Further, as per the judgment of the **Hon'ble Supreme Court of India in Civil Appeal No.219 of 2023 titled as Union of India and others vs. Const. Sunil Kumar, decided on 19.01.2023**, the Court cannot interfere even if the punishment imposed is disproportionate to charges levelled and proved, unless and until the punishment is shockingly disproportionate to the charges alleged and proved. The relevant paragraph of the said judgment is as under:-

“ 6.2 Even otherwise, the Division Bench of the High Court has materially erred in interfering with the order of penalty of dismissal passed on proved charges and misconduct of indiscipline and insubordination and giving threats to the



superior of dire consequences on the ground that the same is disproportionate to the gravity of the wrong. In the case of Surinder Kumar (supra) while considering the power of judicial review of the High Court in interfering with the punishment of dismissal, it is observed and held by this Court after considering the earlier decision in the case of Union of India Vs. R.K. Sharma; (2001) 9 SCC 592 that in exercise of powers of judicial review interfering with the punishment of dismissal on the ground that it was disproportionate, the punishment should not be merely disproportionate but should be strikingly disproportionate. As observed and held that only in an extreme case, where on the face of it there is perversity or irrationality, there can be judicial review under Article 226 or 227 or under Article 32 of the Constitution.

- 6.3 *Applying the law laid down by this Court in the aforesaid decision(s) to the facts of the case on hand, it cannot be said that the punishment of dismissal can be said to be strikingly disproportionate warranting the interference of the High Court in exercise of powers under Article 226 of the Constitution of India. In the facts and circumstances of the case and on the charges and misconduct of indiscipline and insubordination proved, the CRPF being a disciplined force, the order of penalty of dismissal was justified and it cannot be said to be disproportionate*

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and/or strikingly disproportionate to the gravity of the wrong. Under the circumstances also, the Division Bench of the High Court has committed a very serious error in interfering with the order of penalty of dismissal imposed and ordering reinstatement of the respondent.

6.4 *At this stage, it is required to be observed that even while holding that the punishment/penalty of dismissal disproportionate to the gravity of the wrong, thereafter, no further punishment/penalty is imposed by the Division Bench of the High Court except denial of back wages. As per the settled position of law, even in a case where the punishment is found to be disproportionate to the misconduct committed and proved the matter is to be remitted to the disciplinary authority for imposing appropriate punishment/penalty which as such is the prerogative of the disciplinary authority. On this ground also, the impugned judgment and order passed by the Division Bench of the High Court is unsustainable.”*

10. In the present case, the punishment of reversion of the duties of the petitioner from a Passenger Train’s Guard to a Goods Train’s Guard cannot be treated as shockingly disproportionate to the allegations leveled and proved against the petitioner.

11. Hence, Keeping in view the totality of facts and circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



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- 12.. Accordingly, the writ petition is dismissed.
13. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

24.02.2026

Riya
Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No