



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

201

CWP-20902-2015

Date of Decision: 13.02.2026

BALJEET SINGH

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.K. Handa, Sr. Advocate with
Ms. Gauri Handa, Advocate,
Mr. Dharambir Bhargav, Advocate and
Mr. Kulwinder Bhargav, Advocate for the petitioner

Mr. Akshit Pathania, Assistant Advocate General, 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 three increments with permanent effect.

2. The petitioner joined Police Force as Constable on 14.02.1979. He was promoted from time to time. In 2009, the respondent initiated departmental inquiry against him alleging that he remained absent from duty from 26.02.2010 to 29.05.2010 (91 days). The Inquiry Officer found him guilty of alleged misconduct. The disciplinary authority vide order dated 04.07.2011 awarded him punishment of forfeiture of one increment with permanent effect besides declaring absence period *dies non*. He preferred an appeal which came to be dismissed by Appellate Authority. It is apt to notice here that Appellate Authority exercising its power under Rule 16.28 of Punjab Police Rules,

1934 (as applicable to State of Haryana) (in short 'PPR') issued him

show cause notice proposing punishment of stoppage of five increments with permanent effect. The said authority vide order dated 25.12.2011 enhanced punishment from stoppage of one increment to three increments. He preferred appeal which came to be dismissed vide order dated 09.10.2012 passed by Director General of Police

3. Learned counsel for the petitioner submits that punishment awarded by authorities is disproportionate to alleged misconduct. The disciplinary authority awarded punishment of stoppage of one increment which without reason was enhanced to three increments by IGP. The petitioner filed reply to notice issued by IGP and appeared for personal hearing. IGP agreed with his submissions still enhanced punishment.

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 commensurate 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. 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. ..."

8. In the present case, the petitioner was awarded stoppage of one increment by disciplinary authority. He preferred appeal which prompted Appellate Authority to issue show cause notice proposing enhancement of punishment. The Appellate Authority principally agreed with petitioner's submissions still enhanced the punishment. The petitioner sought leave of five days which was sanctioned by respondent. He could not join duty after five days because of illness. The respondent is not disputing his illness. He was implicated in a criminal case and came to be acquitted by trial Court. He was not a habitual absentee. His absence was more or less reasonable and was duly explained. In these circumstances, by no means or reasons, awarded punishment can be called proportionate to alleged misconduct. In the absence of peculiar

circumstances, the respondent was bound to award punishment proportionate to alleged offence. The punishment awarded by Disciplinary Authority was just and reasonable.

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, in the normal course matter ought to be remanded to authorities to reconsider quantum of punishment. However, in this particular case, this Court does not find it appropriate to remand the matter back to departmental authorities because a period of 15 years from the date of alleged offence has already passed away. The authorities have passed impugned orders mechanically and there are all possibilities that remand would multiply the litigation. Thus, to cut short the litigation and considering the alleged misconduct, this Court deems it appropriate to reduce the quantum of punishment from three increments to one increment with permanent effect. Ordered accordingly.

10. Allowed in above terms. On account of modification 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, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

February 13, 2026
Deepak DPA

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