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

**CWP-19510-2017**

**Date of decision: 10.02.2026**

**RAM KUMAR****....Petitioner**

**Versus**

**STATE OF HARYANA AND ORS****....Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Kamaldeep Sehra, Advocate with  
Mr. Aman Singh, Advocate and  
Ms. Ritu, Advocate and  
Mr. Sunil Kumar chaudhary, Advocate  
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Sunil Kumar Sharma, Advocate and  
Ms. Mansi, Advocate  
for respondents No.2 to 6.

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**HARPREET SINGH BRAR, J (Oral):**

1. Prayer in the writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *Certiorari* to quash the order dated 31.08.2015 (Annexure P-21) passed by respondent No.4 whereby a penalty of 5% cut in pension has been imposed upon the petitioner without affording him an opportunity of hearing and, the order dated 02.08.2016 (Annexure P-23) passed by respondent No.1 where the appeal filed by the petitioner against the same was also dismissed.

2. Learned counsel for the petitioner, *inter alia*, contends that a complaint was filed by a land oustee-Ved Parkash before the District



Consumer Disputes Redressal Forum, Sonipat on 31.07.2009. On 20.11.2009, the defence of the respondent authority was struck off by the Consumer Forum for not filing the reply. The reply was required to be filed by Jag Niwas, Mahi Pal, Surinder Kumar Arora, Prithi Singh, Vinay Verma, and Rajbir Singh. On 03.02.2010 (Annexure P-2), the District Consumer Disputes Redressal Forum allowed Ved Paraksh's claim and directed the respondent-authorities to allot a residential plot to him under the oustee category. The appeal against the aforesaid order was filed before the State Consumer Disputes Redressal Commission, Panchkula on 02.03.2010 which was dismissed on 30.09.2011 (Annexure P-3)

3. Learned counsel further submits that the petitioner joined as Assistant Estate Officer on 09.06.2010 i.e. about 127 days after the decision of the District Consumer Disputes Redressal Forum. Admittedly, the appeal before the State Consumer Disputes Redressal Commission was filed by the aforesaid S.K. Arora, who was holding the post of AEO, Sonipat up to 28.11.2011. On 30.09.2012, the petitioner retired from service upon attaining the age of superannuation. Learned counsel submits that the petitioner was served a charge sheet on 25.04.2013, seven months after his retirement. The petitioner filed a detailed reply clearly indicating that he was not at fault for failure to file the reply before the District Consumer Disputes Redressal Forum, Sonipat, which resulted in passing of the adverse order against the respondent authority. Furthermore, shockingly, vide Annexure P-10, S.K. Arora, who was responsible for the said administrative lapse was appointed as the Enquiry Officer against the petitioner. A regular enquiry was ordered to be held against the petitioner solely on the basis of his report. As such, considerable prejudice has been



caused to the petitioner, as an interested party-S.K. Arora was appointed as Enquiry Officer, who, with a pre-determined mind, concluded that the petitioners was at fault, in spite of admitted facts.

4. Further, on the basis of the recommendations made in furtherance of the regular enquiry, the disciplinary authority served a show cause notice upon the petitioner and a penalty of 5% cut in pension was imposed upon him vide order dated 31.08.2015 (Annexre P-21), without affording him any personal hearing. Thereafter, the petitioner filed an appeal, which was dismissed on 02.08.2016 (Annexure P-23).

5. *Per contra*, learned counsel for the respondents submits that the procedure prescribed under the applicable Punishment and Appeal Rules was duly followed and the petitioner was granted an opportunity of personal hearing. However, he failed to appear before the same. Thus, there has been no violation of the principles of natural justice. As such, the present petition is liable to be dismissed.

6. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the petitioner was held responsible for not taking effective steps to defend the respondent authority before the State Consumer Disputes Redressal Forum in the complaint filed by one Ved Parkash. The petitioner joined as Assistant Estate Officer on 09.06.2010, while the appeal before the State Consumer Disputes Redressal Commission was filed on 27.09.2011, which was dismissed on 30.09.2011 (Annexure P-3) on the ground of delay. As such, the petitioner was held guilty of being negligent and of adopting a casual approach towards court cases. The statement of allegations appended with the charge sheet (Annexure P-14) against the petitioner as mentioned at page No.54



reads as under:-

*“3. That Sh. Ram Kumar, A.E.O. (Retired), joined at Sonapat on 09.06.2010, whereas the above court case was decided almost three months prior to his joining. He, being the senior supervisor of the office, was duty-bound to monitor and have the status of all court cases as per prevailing mandatory administrative practice in the office, along with the dealing hand who failed to process the case after decision of the DCDRF, Sonipat. Sh. Ram Kumar, being an A.E.O., also failed to ascertain the status of this case after joining at Sonapat.*

*4. The case after his joining remained pending and unattended up to September 2011, as an appeal was filed in the Hon’ble State Commission, Haryana on 27.09.2011. The Hon’ble State Commission dismissed the appeal on the ground of delay of more than one and a half years. Thus, Sh. Ram Kumar, A.E.O. (Retired), is wholly guilty of having a casual approach towards court cases. His failure to monitor the case has rendered HUDA in an embarrassing position and also caused financial loss due to non-filing of the appeal much after the limitation period.”*

7. Admittedly, the District Consumer Disputes Redressal Forum allowed the claim of Ved Parkash on 03.02.2010, (Annexure P-2) directing the respondent authority to allot him a residential plot under the oustee category. The period of limitation for filing an appeal before the State Consumer Disputes Redressal Commission is 30 days, which lapsed on 02.03.2010. The petitioner had only joined as AEE on 09.06.2010, and at that time, 127 days had already lapsed since the decision of the District Consumer Disputes Redressal Forum. S.K. Arora, the then AEO, was



responsible for not filing the reply before the District Consumer Disputes Redressal Forum. The failure of S.K. Arora, to file the reply before the District Consumer Disputes Redressal Forum, resulted in passing of an adverse order against the respondent authority but he was not subjected to any disciplinary proceedings.

8. The scope of judicial interference in disciplinary proceedings is very limited. It is settled law that this Court may only exercise its powers under Article 226 of the Constitution of India when the findings recorded in a disciplinary action are arbitrary, disproportionate, tainted with procedural illegality, or when manifest prejudice is caused. This Court must confine itself to ensuring that the findings rendered by the disciplinary authority are justified by the material available on record, that the proceedings were conducted in compliance with the prescribed procedure and the principles of natural justice, and that the penalty imposed is proportionate to the misconduct.

9. A Two-Judge Bench of the Hon'ble Supreme Court in ***S.R. Tewari vs. Union of India, (2013) 6 SCC 602***, speaking through Justice B.S Chauhan, made the following observations in this regard:

*“ 29. In Union of India v. R.K. Sharma [(2001) 9 SCC 592 : 2002 SCC (Cri) 767 : AIR 2001 SC 3053] , this Court explained the observations made in Ranjit Thakur [Ranjit Thakur v. Union of India, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] observing that if the charge was ridiculous, the punishment was harsh or strikingly disproportionate it would warrant interference. However, the said observations in Ranjit Thakur [Ranjit Thakur v. Union of India, (1987) 4 SCC 611 : 1988 SCC (L&S) 1 : (1987) 5 ATC 113 : AIR 1987 SC 2386] are not to*



*be taken to mean that a court can, while exercising the power of judicial review, interfere with the punishment merely because it considers the punishment to be disproportionate. It was held that only in extreme cases, which on their face, show perversity or irrationality, there could be judicial review and courts should not interfere merely on compassionate grounds.*

10. Further reliance may be placed on the judgment rendered by a Three Judge bench of the Hon'ble Supreme Court in ***Indian Oil Corpn. Ltd. Vs. Ashok Kumar Arora, (1997) 3 SCC 72***, wherein, speaking through Justice S.P. Kurdukar, the following observations were made:-

*“20. At the outset, it needs to be mentioned that the High Court in such cases of departmental enquiries and the findings recorded therein does not exercise the powers of appellate court/authority. The jurisdiction of the High Court in such cases is very limited for instance where it is found that the domestic enquiry is vitiated because of non-observance of principles of natural justice, denial of reasonable opportunity; findings are based on no evidence, and/or the punishment is totally disproportionate to the proved misconduct of an employee. There is a catena of judgments of this Court which had settled the law on this topic and it is not necessary to refer to all these decisions. Suffice it to refer to a few decisions of this Court on this topic viz. *State of A.P. v. S. Sree Rama Rao [(1964) 3 SCR 25 : AIR 1963 SC 1723 : (1964) 2 LLJ 150]* , *State of A.P. v. Chitra Venkata Rao [(1975) 2 SCC 557 : 1975 SCC (L&S) 349 : (1976) 1 SCR 521]* , *Corpn. of the City of Nagpur v. Ramchandra [(1981) 2 SCC 714 : 1981 SCC (L&S) 455 : (1981) 3 SCR 22]* and *Nelson Motis v. Union of India [(1992) 4 SCC 711 :**



*1993 SCC (L&S) 13 : (1993) 23 ATC 382 : AIR 1992 SC 1981].”*

11. Further still, the doctrine of proportionality mandates that any penalty imposed upon a delinquent employee in disciplinary proceedings must bear a just and reasonable relationship to the gravity of the misconduct established against them. A punishment which is excessive, unwarranted, or significantly disproportionate to the proven charges not only offends the canons of fair play and reasonableness but also constitutes a violation of the fundamental right to equality under Article 14 of the Constitution of India. The principle further extends to ensure that the sanction must be tailored to “suit the offence and the offender,” thereby requiring an individualized assessment of the nature of the misconduct, the attendant circumstances, the employee’s service record, and the absence or presence of extenuating or aggravating factors.

12. The Hon’ble Supreme Court in ***Rama Kant Misra Vs. State of U.P. (1982) 3 SCC 346*** has also held that the punishment must always be commensurate with the gravity of the offence charged. A Two Judge Bench of the Hon’ble Supreme Court in ***Bhagat Ram Vs. State of H.P 1983 (2) SCC 442***, speaking through Justice D.A. Desai observed as follows:-

***“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.....”***

13. In the matter at hand, it appears that the petitioner is at fault for negligence, as evidenced by his casual approach towards court cases.



However, the punishment imposed on the petitioner appears to be disproportionate to the misconduct. Accordingly, the present petition is allowed and the impugned punishment order dated 31.08.2015 (Annexure P-21) is hereby modified to the extent that the 5% cut in pension is limited to two years from the date of its imposition. If any excess amount has been recovered from the petitioner, same must be refunded to him.

14. In case the dues, if any, are not released to the petitioner within a period of three months of receiving a certified copy of this order, he would be entitled to interest @9% per annum from the date of receiving a copy of this order till its actual realization.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**10.02.2026**

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| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable :         | Yes /No |