



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

**CWP-25067-2015 (O&M)
Date of Decision: 10.02.2026**

Husan Lal

...Petitioner

Versus

Panjab University, Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Karan Jangra, Advocate and
Mr. Raahat Kataria, Advocate
for the petitioner.

Mr. Indresh Goel, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders passed by authorities whereby he has been awarded punishment of forfeiture of three increments with cumulative effect.

2. The petitioner joined Panjab University as Clerk in 1990 on regular basis. He was transferred to Chemical Engineering department and promoted as Jr. Assistant in 1995 in Certificate Section. He was further transferred to the Examination Branch. He worked for eight years in the Examination Branch and dealt with examination of different classes. In 2009, two students of 6th Semester of Department of Law applied for change of centre from Chandigarh to Muktsar. Due to rush of

work, petitioner could not verify documents of the aforesaid students. President, Panjab University Campus Student Council sent a complaint to Vice Chancellor alleging that Simranjit Singh Dhillon was allotted Chandigarh-II as examination centre for April' 2009 but he appeared at Muktsar Centre. On enquiry, it was found that Navjot Saini-student of 6th Semester of Department of Law had also appeared at Muktsar without permission. The Vice Chancellor set up an Inquiry Committee to look into the matter and fix the responsibility of the employee involved in it. The Committee suggested disciplinary action against certain officers. In view of Inquiry Report, Vice Chancellor referred the matter to a Committee comprising of three members which after deliberation recommended disciplinary proceedings. The Inquiry Officer found Superintendent, Assistant Registrar and petitioner guilty of alleged offence. Pursuant to Inquiry Report, the petitioner was served show cause notice dated 29.04.2011 to which he filed reply. A Committee constituted by syndicate proposed major punishment of stoppage of three-five increments with cumulative effect. The petitioner vide order dated 10.07.2014 was awarded punishment of stoppage of three increments with cumulative effect. He preferred appeal which came to be rejected vide order dated 24.12.2014 passed by Vice Chancellor.

3. Learned Senior counsel representing the petitioner submits that respondent has imposed major punishment without following procedure prescribed under Panjab University Calendar. Clause 5.1 of Part VI, Punjab University Calendar Volume III provides procedure for major penalty which has not been followed in the instant case.

4. Learned counsel for the respondent-University submits that petitioner was awarded punishment of stoppage of three increments with cumulative effect. Said punishment falls under minor penalties, thus, there was no need to follow procedure prescribed for major penalties.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that Clause 3 of Part VI, Panjab University Calendar Volume III prescribes penalties. Clause 5 prescribes procedure for major penalties. Clause 3 for ready reference is reproduced as below:-

“3. The following penalties may, for a good and sufficient reason as hereinafter provided, be imposed upon an employee :

A. Minor Penalties

(i) Censure.

(ii). Withholding of increments or promotion.

(iii) Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders.

B. Major Penalties :

(iv) Reduction to a lower post or time-scale; or to a lower stage in a time-scale;

(v) Removal from service of the University which does not disqualify from future employment;

(vi) Dismissal from service of the University.”

7. As per Clause 3 (A)(ii), withholding of increments is a minor penalty. A Committee of the respondent in its order dated 13.06.2012 proposed to issue show cause notice for imposing major punishment less than removal from service i.e. stoppage of three-five increments with cumulative effect. Relevant extracts of the order dated 13.06.2012 read as :-

“So far as the role of Shri Hussan Lal is concerned, he has admitted to have sent the cut-list without getting any approval from the Deputy Registrar and without verifying that the students have approached for change of centre or not. He has been transferred to PURC, Muktsar for this reason and he is still working there. The theory of his doing it in rush, is not convincing. As such, the Committee is of the considered view that a Show Cause Notice for imposing major punishment less than removal from service i.e. stoppage of 3-5 increments with cumulative effect be issued to him and it will be appropriate if he is given another opportunity to explain his conduct and on receipt of reply, the Vice-Chancellor/Syndicate may impose the punishment of stoppage of increments with cumulative effect, which is major punishment.”

8. Hon’ble Supreme Court in ‘**Kulwant Singh Gill Vs. The State of Punjab**’, 1991 Supp (1) SCC 504 and this court in ‘**State of Punjab Vs. Niranjana Singh**’, 2014 SCC OnLine P&H 16890 have interpreted similar provisions and held that stoppage of increments with permanent effect is major punishment. Relevant extracts of the judgment in **Kulwant Singh (supra)** read as:-

“4. Withholding of increments of pay simpliciter undoubtedly is a minor penalty within the meaning of Rule 5(iv). But sub-rule (v) postulates reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the government employee shall earn increments of pay during the period of such reductions and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay. It is an independent head of penalty and it could be imposed as punishment in an appropriate case. It is one of the major penalties. The impugned order of stoppage of two increments with

cumulative effect whether would fall within the meaning of Rule 5(v)? If it so falls Rules 8 and 9 of the Rules require conducting of regular enquiry. The contention of Shri Nayar, learned counsel for the State is that withholding two increments with cumulative effect is only a minor penalty as it does not amount to reduction to a lower stage in the time scale of pay. We find it extremely difficult to countenance the contention. Withholding of increments of pay simpliciter without any hedge over it certainly comes within the meaning of Rule 5(iv) of the Rules. But when penalty was imposed withholding two increments i.e. for two years with cumulative effect, it would indisputably mean that the two increments earned by the employee was cut off as a measure of penalty for ever in his upward march of earning higher scale of pay. In other words the clock is put back to a lower stage in the time scale of pay and on expiry of two years the clock starts working from that stage afresh. The insidious effect of the impugned order, by necessary implication, is that the appellant employee is reduced in his time scale by two places and it is in perpetuity during the rest of the tenure of his service with a direction that two years' increments would not be counted in his time scale of pay as a measure of penalty. The words are the skin to the language which if peeled off its true colour or its resultant effects would become apparent. When we broach the problem from this perspective the effect is as envisaged under Rule 5(v) of the Rules. It is undoubted that the Division Bench in Sarwan Singh v. State of Punjab (1985) 1 SLJ 513 (P&H), P.C. Jain, A.C.J. speaking for the Division Bench, while considering similar question, in paragraph 8 held that the stoppage of increments with cumulative effect, by no stretch of imagination falls within clause (v) of Rule 5 or in Rule 4.12 of Punjab Civil Services Rules. It was further held that under clause (v) of Rule 5 there has to be a reduction to a lower stage in the time scale of pay by the competent authority as a measure of penalty and the

period for which such a reduction is to be effective has to be stated and on restoration it has further to be specified whether the reduction shall operate to postpone the future increments of his pay. In such cases withholding of the increments without cumulative effect does not at all arise. In case where the increments are withheld with or without cumulative effect the government employee is never reduced to a lower stage of time scale of pay. Accordingly it was held that clause (iv) of Rule 5 is applicable to the facts of that case. With respect we are unable to agree with the High Court. If the literal interpretation is adopted the learned Judges may be right to arrive at that conclusion. But if the effect is kept at the back of the mind, it would always be so, the result will be the conclusion as we have arrived at. If the reasoning of the High Court is given acceptance, it would empower the disciplinary authority to impose, under the garb of stoppage of increments, (sic stoppage) of earning future increments in the time scale of pay even permanently without expressly stating so. This preposterous consequence cannot be permitted to be permeated. Rule 5(iv) does not empower the disciplinary authority to impose penalty of withholding increments of pay with cumulative effect except after holding inquiry and following the prescribed procedure. Then the order would be without jurisdiction or authority of law, and it would be per se void. Considering from this angle we have no hesitation to hold that the impugned order would come within the meaning of Rule 5(v) of the Rules; it is a major penalty and imposition of the impugned penalty without enquiry is per se illegal.”

9. Learned counsel for the respondent has expressed his inability to controvert that procedure prescribed under Clause 5 of Panjab University Calendar was not followed while passing impugned order. As punishment awarded by respondent, as per afore-cited judgments, is major penalty, thus, respondent was bound to follow procedure prescribed

for major penalty under aforesaid Clause 5. The respondent in the alternative could impose punishment of stoppage of increments without cumulative effect.

10. In the backdrop, the impugned order is hereby set aside with liberty to respondent to pass fresh order after following procedure prescribed by Panjab University Calendar.
11. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

10.02.2026

Prince Chawla

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