



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

Date of Decision: 22.01.2026

CWP-2145-2017 (O&M)

Balwan Singh ...Petitioner

Versus

State of Haryana And Others ...Respondents

With

CWP-25293-2022

Balwan Singh ...Petitioner

Versus

State of Haryana And Others ...Respondents

And

CWP-6537-2024

Balwan Singh ...Petitioner

Versus

State of Haryana And Others ...Respondents

CORAM: HON'BLE MS. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from CWP-2145-2017.



2. The petitioner through instant petition under Articles 226/227 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.

3. The petitioner joined Police Force as Constable on 06.10.1989. He was promoted from time to time. He was sent on deputation to State Crime Branch in February' 2008. He was repatriated to his parent department in June' 2015. A complaint was made to Director General of Police, State Crime Branch, Panchkula alleging that petitioner has demanded money and mobile from complainant. In 2016, the respondent initiated departmental inquiry against him alleging that he has demanded money and mobile from complainant-Lakha. The inquiry officer found him guilty of alleged misconduct. Conclusion drawn by inquiry officer reads as:

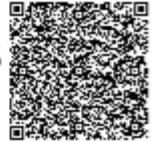
"I have perused carefully the statements of prosecution witnesses, defence witnesses, written reply of EASI Balwan Singh 992/Hisar recorded during the inquiry and other documents were studied and on perusal the matter under inquiry was found as below:-

EASI Balwan Singh 992/Hisar has submitted in his statement that neither he took money from Lakkha S/o Shiana Singh R/o Laxmi Nagar and complainant Zorawer Singh S/o Giani Ram R/o Jind nor he demanded money or mobile from them. There was a money transaction dispute between Telu and Lakkha. He went there for getting settled and compromise the matter between both the parties. During the departmental inquiry it has come into notice that EASI Balwan Singh No. 992/Hisar was posted in State Crime Unit Jind on deputation then a complaint against EASI Balwan Singh was submitted for taking action to Director General of Police State Crime Branch Moginand Panchkula by Zorawer Singh S/o Sh. Giani Ram R/o H.N. 295/7 Shyam Nagar Jind. Preliminary inquiry of the



complaint was by Sh. Rajesh Kumar HPS, Deputy Superintendent of Police State Crime Branch Panchkula in which it was found that EASI Balwan Singh was having contact with Tilak Raj alias Telu R/o Jind and Telu R/o Jind works in gambling and Lakkha, Zorawer also do the work of gambling. There was a money transaction between Lakkha Singh S/o Shiana Singh caste Jat, H.No. 674/7 Laxmi Nagar Kaihal Road Jind Nephew of Zorawer Singh S/o Giani Ram with Telu Ram. Telu Ram borrowed Rs. 25,000/- for 10 days in the month of April 2015 from Lakkha but he did not return the money to Lakkha and Balwan Singh EASI asked Zorawer and Lakkha to give Rs. 25,000/- to Telu otherwise inquiry against them has come to him and you are doing illegal work. He also has their call details. Whereas Lakkha nephew of Zorawer has to take Rs. 25,000/- from Telu. Thereafter EASI Balwan Singh reached in the office of Lakkha, Patiala Chowk Jind on 20.05.2015 where EASI Balwan Singh, Lakkha Singh and Karamvir S/o Didar Singh caste Jat R/o Patiala Chowk Jind were present there. There EASI Balwan Singh NO. 992/Hisar showed old call details taken in old case to Lakkha S/o Shiana Singh and said he has this call detail, return the money of Telu and it was also said give new mobile otherwise your report would be sent to SP and case will be got registered against you. Besides this demand of mobile and money from Lakkha by EASI Balwan Singh and his relationship with criminal type persons is proved from CD and preliminary inquiry. Therefore there is no truth in the arguments of EASI Balwan Singh No. 992/Hisar and I do not agree with him.

In this way EASI Balwan Singh No. 992/Hisar being a member of disciplined force developed relationship with criminal type persons threatened to Lakkha etc. for registration of case against them by showing call detail taken in other case, demanded money and phone from them, has shown his corrupt conduct and misused his office and thus he has done gross negligence and indiscipline in his official duty. He has tarnished image of police by showing his irresponsibility. Therefore charges leveled against EASI Balwan Singh No. 992/Hisar are proved.”



4. The disciplinary authority vide order dated 29.03.2016 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 11.07.2016. He preferred revision which came to be dismissed vide order dated 04.10.2016 passed by Director General of Police

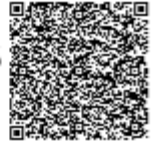
5. Ld. Counsel for petitioner submits that punishment awarded by authorities is disproportionate to alleged misconduct. The inquiry officer did not examine alleged audio recording in true spirit. There was no concrete evidence against the petitioner still was subjected to punishment of forfeiture of five increments which culminated in his retirement at the age of 55 years besides financial loss to him.

6. Ld. 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.

7. Heard the arguments and perused the record.

8. 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 incommensurate to alleged offence. If punishment is disproportionate to alleged offence, it is violative of Article 14 of the Constitution of India.

9. 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

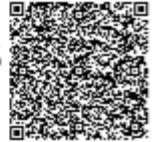


Development Authority who were connected with the land of the DDA allotted to M/s. Skipper Construction Co. It was proposed to consider imposition of higher degree of punishments in view of role of these officers in the said matter. The question posed before the court was whether the right punishment 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.

10. 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. ..."

11. In the case in hand, the petitioner was subjected to punishment on the basis of audio recording and preliminary inquiry. The respondent despite specific orders of this Court has failed to produce alleged audio recording on the ground that CD has corrupted. Jorawer Singh and Lakha Singh appeared before inquiry officer as prosecution witnesses. They confirmed that Telu Ram borrowed a sum of Rs.25000/- from Lakha Singh. They also confirmed that conversation was recorded and a CD was prepared. The aforesaid CD along with application was forwarded to Director General of Police (Crime). They confirmed that after submission of application, Telu Ram has returned borrowed money and matter has been settled.



12. The statement of prime witnesses confirm that there was intervention of petitioner in the financial transactions between complainant and Telu Ram. Conversation was recorded and forwarded to Director General of Police. In such circumstances, it cannot be concluded that petitioner was innocent and was not guilty at all. On account of alleged offence, his ACR was downgraded and he was made to retire at the age of 55 years. In this way, he was subjected to punishment of forfeiture of five increments with permanent effect as well as retired at the age of 55 years. On account of retirement at the age of 55 years, he lost at least 50% of salary for three years as well as three increments. In these circumstances, by no means or reasons, awarded punishment can be called proportionate to alleged misconduct. The respondent was bound to award punishment proportionate to alleged offence.

13. 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 about 10 years from the date of alleged offence has already passed away and petitioner has already retired. 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 forfeiture of five increments to two increments with permanent effect. Ordered accordingly.



14. In the wake of above discussion and findings, CWP-2145-2017 is hereby 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.
15. In view of order passed in CWP-2145-2017, there is no substance in remaining petitions. Accordingly, CWP Nos. 25293 of 2022 and CWP No.6537 of 2024 are hereby dismissed.
16. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

January 22, 2026
Kusum

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No