



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

CWP-8744-2016

Date of decision: 17.04.2026

Jaspal Singh

....Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Saini, Advocate
for the petitioner.

Ms. Jarnail Kaur Dhaliwal, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned charge sheet dated 03.05.2013 (Annexure P-1), inquiry report dated 07.03.2014 (Annexure P-3), impugned order of punishment dated 30.09.2014 (Annexure P-5) passed by the disciplinary authority/respondent No.3 and further, quashing the order dated 04.02.2016 (Annexure P-7) passed by the Appellate Authority/respondent No.2.

2. Learned counsel for the petitioner *inter alia* contends that four persons, including the petitioner and one Baldev Singh, who was working as an Upper Division Clerk under the respondent-Corporation, were proceeded against in a departmental inquiry, which culminated in the passing of an order dated 30.09.2014 (Annexure P-5), whereby, a punishment of 20% cut in pension for a period of 10 years was imposed. The aforesaid Baldev Singh



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approached this Court by filing CWP No.5734 of 2017 titled as ***Baldev Singh Vs. Punjab State Power Corporation Limited and others*** decided on 03.12.2018, which was partly allowed and the order passed by the Appellate Authority was set aside. The matter was remanded back for fresh consideration by the Appellate Authority with a direction to decide the appeal afresh after taking into account all the submissions and contentions raised by the petitioner therein.

2.2 Learned counsel for the petitioner further submits that thereafter, the Appellate Authority modified the order of punishment and ordered reduction of three increments with future effect. He further submits that the departmental inquiry pertained to the alleged misconduct of installing a tubewell connection not on the land of the owner but at a different location. The petitioner joined service as a Junior Engineer in January, 2011, whereas the entire process for installation of the tubewell electricity connection had already been initiated and approved on 25.04.2007 and the map had been issued on 10.07.2009. As such, the petitioner cannot be held liable for the alleged misconduct as he merely acted upon the already approved plan and installed the tubewell connection in terms of the map prepared in the year 2009 pursuant to the approval dated 25.04.2007. Secondly, when the petitioner received the complaint, he immediately rectified the inadvertent mistake and ordered disconnection of the electricity supply. Lastly, he submits that the punishment awarded to the petitioner is grossly disproportionate to the alleged misconduct. He further submits that a co-employee, who was proceeded against in the same



departmental inquiry, was awarded a lesser punishment by the Appellate Authority. As such, in order to maintain parity, the punishment awarded to the petitioner is also required to be reduced.

3. *Per contra*, learned counsel for the respondents-Corporation is not in a position to controvert the fact that a co-employee, who was also awarded punishment vide the same order dated 30.09.2014 passed by the Punishing Authority along with the petitioner, had approached this Court by filing CWP No.5734 of 2017. The said writ petition was partly allowed and the matter was remanded back to the Appellate Authority for fresh consideration. In purported compliance of the order passed by this Court, the Appellate Authority modified the punishment order and reduced the same to stoppage of three increments with future effect.

4. Having heard the learned counsel for the parties and after perusing the records it transpires that the Appellate Authority in compliance of the order passed by this court in CWP No.5734 of 2017, modified the punishment order of a co-employee who was awarded punishment via the same order dated 30.09.2014, as the petitioner. The punishment imposed upon the petitioner, being a 20% cut in pension for a period of 10 years, is indeed a severe penalty, adversely affecting the financial security of a retired employee.

5. The scope of 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



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illegality, or manifest prejudice. The Court must confine itself to ensuring that the findings are justified by the material on record, the proceedings were conducted in compliance with prescribed procedure and principles of natural justice, and the penalty imposed is proportionate to the misconduct.

6. Further reliance may be placed on a Three Judge bench of the Hon'ble Supreme Court in ***Indian Oil Corpn. Ltd. v. Ashok Kumar Arora***, 1997 INSC 106 while speaking through Justice S.P. Kurdukar made the following observation,

*“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] .”*

The Hon'ble Supreme Court in ***Rama Kant Misra v. State of U.P.*** (1982) 3 SCC 346 held that the punishment must always be commensurate with the gravity of the offence charged.



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7. Moreover, a Two Judge Bench of the Hon'ble Supreme Court in ***Bhagat Ram v. State of H.P 1983 (2) SCC 442***, while speaking through Justice D.A. Desai observed,

“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. Further, a Two Judge Bench of the Hon'ble Apex Court in ***Ranjit Thakur v. Union of India 1987 INSC 285***, while speaking through Justice M.N. Venkatachaliah observed that

“10. Re : contention (d) : Judicial review generally speaking, is not directed against a decision, but is directed against the "decision making process". The question of the choice and quantum of punishment is within the jurisdiction and discretion of the Court-Martial. But the sentence has to suit the offence and the offender. It should not be A vindictive or unduly harsh. It should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias. The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the Court-Martial, if the decision of the Court even as to sentence is an outrageous defiance of B logic, then the sentence would not be immune from correction. Irrationality and perversity are recognised grounds of judicial review.”

9. 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

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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.

10. However, keeping in view the fact that the petitioner was a responsible employee and some lapse may have occurred, it would not be appropriate to quash the entire proceedings. The ends of justice would be met if the punishment is modified to a proportionate one, which serves the purpose of censure without being unduly harsh.

11. Accordingly, the present petition is partly allowed. The order dated 04.02.2016 (Annexure P-7) passed by the Appellate Authority is hereby set aside. The order dated 30.09.2014 (Annexure P-5) passed by the disciplinary authority is modified to the extent that a cut of 5% in pension for a period of three years is imposed. The respondents are directed to re-calculate and re-fix the pension of the petitioner accordingly and release the consequential arrears within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

17.04.2026*Neha*

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