



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

206

CWP-20955-2013

Date of Decision: 02.02.2026

CHANDER SINGH

...Petitioner

Vs.

INSPECTOR GENERAL OF POLICE AND ANR

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ekteshwar Sidhu, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the petitioner

Mr. Akshit Pathania, Assistant Advocate General, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:

- i. Order dated 14.02.2012 (Annexure P-2) whereby he was awarded punishment of stoppage of five future annual increments with permanent effect; and
- ii. Order dated 18.07.2012 (Annexure P-4) whereby his appeal was dismissed.

2. The petitioner joined Police Force as Constable on 21.03.1989. He was promoted from time to time. In 2011, the respondent initiated departmental inquiry against him alleging that he was not deputing nakabandi and Sentry duty properly and was not present in the Police Station at the time of inspection by Inspector. The inquiry

officer found him guilty of alleged misconduct. The Disciplinary Authority agreed with the inquiry report and inflicted punishment of forfeiture of five increments with permanent effect vide order dated 14.02.2012. He unsuccessfully preferred appeal before IGP.

3. Learned counsel for the petitioner submits that punishment awarded by authorities is disproportionate to alleged misconduct. It should be reduced.

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 incommensurate 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 04.05.2000 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.

8. 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. ..."

9. In the case in hand, the petitioner was awarded punishment of forfeiture of five increments with permanent effect. Plea of petitioner qua quantum of punishment seems to be reasonable. The respondent was bound to award punishment proportionate to alleged offence. Only allegation against the petitioner was that he did not depute nakabandi and Sentry duty properly and was absent at the time of visit of Inspector. There was special visit of IGP on 04.07.2011. Field staff was over-conscious and higher authorities took stern action against petitioner on account of aforesaid alleged lapse. The punishment awarded by

disciplinary authority is not incommensurate to the alleged offence and needs to be modified.

10. 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 14 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 forfeiture of five increments to two increments with permanent effect. Ordered accordingly. The respondent shall restore three increments retrospectively and release arrears without interest within six months from today, failing which respondent would be liable to pay interest on arrears @ 9% p.a. from the expiry of said period.

11. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

February 02, 2026
Deepak DPA

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