

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****134****LPA-3162-2025 (O&M)****DATE OF DECISION: 11.02.2026****SAWINDER SINGH****... Appellant****Versus****STATE OF PUNJAB AND ORS.****... Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Raj Kumar Arya, Advocate for the appellant.

Mr. Aftab Singh Khara, Senior DAG, Punjab.

**********ANUPINDER SINGH GREWAL, J. (ORAL)****CM-105-LPA-2026**

Application is allowed and the document annexed at Annexure A-1 is taken on record subject to all just exceptions.

MAIN CASE

The appellant has challenged the judgment of the learned Single Bench whereby his writ petition challenging the order imposing major punishment, has been dismissed.

2. Learned counsel for the appellant submits that the appellant had been performing his duty diligently for over 31 years, but he had been proceeded against departmentally on account of *mala fides* of Sub Inspector-Baldev Singh. He further submits that the punishment of forfeiture of five years' service is too harsh in the light of alleged misconduct.

3. Heard.

4. The appellant joined service on 15.04.1988 as a Constable. He was promoted over the years and was working as an ASI, on 13.09.2019, when he had been deputed along with one Sub-Inspector Baldev Singh to conduct a raid on the premises of a drug smuggler. During the raid, the drug smuggler along with his companions attacked the Sub-Inspector, who received several injuries. Instead of coming to the aid of their senior officer, the appellant along with the other police officials remained a mute spectator. The video of the incident is stated to have gone viral on social media. Vide order dated 14.09.2019, the Competent Authority by invoking Article 311(2)(b) of the Constitution dispensed with the regular enquiry and dismissed the appellant from service with immediate effect. The appeal preferred thereagainst was dismissed. Aggrieved thereagainst, he had preferred writ petition challenging his dismissal, which was allowed, but liberty was granted to the respondents to conduct a fresh enquiry in accordance with law. Thereafter, the appellant was reinstated in service and a departmental enquiry was conducted wherein the enquiry officer had found the charges against the appellant to be proved. Vide order dated 07.03.2024, the disciplinary authority had imposed major penalty of forfeiture of five years of service.

5. It is trite that in matters regarding disciplinary proceedings, the High Court by exercising its powers under Article 226/227 of the Constitution cannot act as an appellate authority and re-appreciate the evidence led before the enquiry officer. The scope of interference in such matters is limited. Reference may be made to the judgment of the Supreme Court in the case of ***State of A.P. v. S. Sree Rama Rao, AIR 1963 SC 1723***. Relevant extract of the same is reproduced herein below:

“7. ... The High Court is not constituted in a proceeding under Article 226 of the Constitution as a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty

to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution.”

6. The circumstances in which the High Court may and may not interfere in disciplinary proceedings have been elucidated by the Supreme Court in its judgment in ***Union of India v. P. Gunasekaran, (2015) 2 SCC 610***. Relevant extract of the same is reproduced herein below:

“12.....In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- (f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- (g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- (h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- (i) the finding of fact is based on no evidence.*

13. Under Articles 226/227 of the Constitution of India, the High Court shall not:

- (i) reappreciate the evidence;*
- (ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii) go into the adequacy of the evidence;*
- (iv) go into the reliability of the evidence;*
- (v) interfere, if there be some legal evidence on which findings can be based.*

(vi) correct the error of fact however grave it may appear to be;
(vii) go into the proportionality of punishment unless it shocks its conscience.”

7. We have perused the material on record. During the enquiry, the appellant had been afforded proper opportunity to present his defence. He submitted his reply to the show cause notice issued by the disciplinary authority. Learned counsel for the appellant has been unable to point any infirmity in the departmental enquiry. It is also not the case of the appellant that the rules of natural justice were violated.

8. Insofar as the contention of the counsel for the appellant that the punishment of forfeiture of five years of service is wholly disproportionate to the alleged misconduct is concerned, we find no merit in the same. The police is a disciplined force and its members are expected to adhere to the highest standards of integrity and professionalism. The appellant remained a meek and mute spectator when the head of the team was being beaten up by the drug smuggler(s). He made no efforts whatsoever to come to the aid of his superior. We are, therefore, in agreement with the judgment of the learned Single Bench that in view of the gravity of the allegations levelled against the appellant, who is a member of the police force, punishment of forfeiture of five years of service cannot be said to be disproportionate to the alleged misconduct. Consequently, the instant Letters Patent Appeal stands dismissed.

9. All pending miscellaneous application(s), if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

11.02.2026
SwarnjitS

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