



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

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CWP-33153-2018

Date of Decision: 27.02.2026

ASHOK KUMAR

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Piyush Setia, Advocate and
Mr. Sumeet Puri, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting side of orders passed by departmental authorities whereby he was awarded punishment of stoppage of three annual increments with permanent effect.

2. The petitioner joined Police Force as Constable. He was promoted as Head Constable. The respondent initiated departmental inquiry against him alleging that he has demanded a sum of Rs.10,000/- from Vinod Kumar a tailor in Patiala. The Inquiry Officer found him guilty of alleged misconduct and disciplinary authority vide order dated 03.03.2014 awarded him punishment of forfeiture of five increments with permanent effect. He preferred appeal and Appellate Authority vide order dated 05.06.2015 partly allowed the same. The punishment was reduced form stoppage of five increments to three increments with permanent effect. He filed revision before IGP which came to be dismissed. During

the pendency of departmental proceedings he was acquitted by the trial Court vide judgment dated 04.01.2014.

3. Learned counsel for the petitioner submits that petitioner was wrongly implicated. He had not committed alleged offence. He has been acquitted by trial Court. His acquittal was not on the ground of benefit of doubt whereas prosecution could not establish his case. There was no witness to depose against him. The Inquiry Officer did not appreciate evidence in true spirit and held him guilty. The higher authorities have passed impugned orders without application of mind. As per Rule 16.3 of Punjab Police Rules, 1934 (for short 'PPR'), he could not be awarded punishment of forfeiture of three increments with permanent effect after acquittal by trial Court. The department authorities cannot sit over judgment of trial Court.

4. Learned State Counsel reiterated contents of impugned orders and submitted that no interference is warranted because there is no infirmity in the impugned orders.

5. Heard the arguments and perused the record.

6. Scope of interference while exercising jurisdiction under Articles 226/227 of the Constitution of India in disciplinary proceedings is very limited. The High Court has no power to look into quantum of sentence/punishment unless and until Court finds that punishment awarded is disproportionate to alleged offence. It is further settled proposition of law that High Court while exercising its jurisdiction under Article 226 of Constitution of India can look into the procedure followed by authorities. In case, it is found that enquiry officer or

disciplinary authority has not considered any evidence on record or misread the evidence or procedure as prescribed by law has not been followed, the Court can interfere. A two judge Bench of Hon'ble Supreme Court in ***Union of India and others v. Subrata Nath, 2022 SCC Online SC 1617*** while advertng to scope of interference under Article 226 of the Constitution of India in disciplinary proceedings has held that departmental authorities are fact finding authorities. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct.

7. A Constitution Bench in ***Syed Yakoob v. K.S. Radhakrishnan, AIR 1964 SC 477*** and a two judge bench of the Hon'ble Supreme Court recently in Central Council for Research in ***Ayurvedic Sciences and another v. Bikartan Das and others 2023 SCC Online SC 996*** have reminded us that there are two cardinal principles of law governing issuance of writ of certiorari under Article 226 of the Constitution of India i.e. (i) High Court does not exercise the powers of Appellate Tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The writ of certiorari can be issued if an error of law is apparent on the face of the record; (ii) in a given case, even if some action or order challenged in the writ petition is found to be illegal and

invalid, the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties. It is perfectly open for the writ court, exercising this flexible power to pass such orders as public interest dictates & equity projects. The High Court would be failing in its duty if it does not notice equitable consideration and mould the final order in exercise of its extraordinary jurisdiction. Any other approach would render the High Court a normal court of appeal which it is not.

8. In case in hand, the petitioner was subjected to departmental inquiry. The authorities duly followed prescribed procedure. Inquiry Officer examined witnesses and thereafter submitted his report. The petitioner was given full opportunity to put-forth his stand. Thus, it cannot be concluded that there was either violation of procedure or authorities did not appreciate evidence on record. Interference by this Court in impugned orders would amount to substitution of opinion of departmental authorities which is impermissible in law. Punishment awarded is commensurate to offence committed by petitioner.

9. In the wake of above discussion and findings, this Court is of the considered opinion that the petition deserves to be dismissed and accordingly dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

27.02.2026
SDK

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