PUNJAB STATE CIVIL SUPPLIES CORPN., LTD., CHANDIGARH AND ORS.

v.

NARINDER SINGH NIRDOSH

APRIL 10, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

Service Law :

Misconduct—Enquiry conducted—Instead of dismissal reduction in rank ordered—High Court holding that punishment was disproportionate though misconduct proved and ordered stoppage of two increments—On appeal held, the misconduct is a grave one and the punishment of reversion being very very lenient one High Court wholly incorrect in reducing the punishment which is not warranted in law.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 273 of 1988.

From the Judgment and Order dated 19.11.87 of the Punjab & Haryana High Court in C.W.P. No. 2968 of 1987.

M.S. Gujral, Ms. J.S. Wad, Manoj Wad and Abraham N.A. for the Appellants.

J.D. Jain (NP) for the Respondent.

The following Order of the Court was delivered :

This appeal by special leave arises from the judgment of the Punjab & Haryana High Court in W.P. No. 2968/87 dated 19.11.1987.

The few facts necessary for disposal of the case are that while the respondent was working as Inspector in the Punjab Civil Supplies Corporation, he was made incharge of the Wheat procured by the Government and weighment in that behalf. In 1980 while he was working in Patiala, he was found to have filled up the wheat bags with husk and thereby misappropriated huge stock of the wheat. Taking a lenient view, the authorities stopped two increments after the enquiry and he was transferred to Gugha

in Patiala District. Thereat also he repeated the misconduct. As a consequence, a chargesheet was served upon him on April 24, 1985. The charges levied against him read as under :

> "(a) For connivance with Shri Gurmail Singh in replacement of new wheat of 1984-85 with 1557 bags of rejected wheat in godowns and for misappropriation and embazzlement of wheat stock.
>
> (b) For misappropriation of 17 bales and 242 'A' Class bags in connivance with Shri Gurmail Singh Inspector.
>
> (c) For Misappropriation and embazzlement of 1292-3200 quintals wheat which was given in short by Shri Gurmail Singh while handing over charge, in connivance with Gurmail Singh.
>
> Separate charge-sheet was given to Gurmail Singh".

After conducting the enquiry, instead of dismissing him from service, the authorities reduced his rank of Inspector to that of Sub-Inspector which came to be challenged in the High Court. In the impugned order, the High Court has held that the punishment was disproportionate, though the misconduct was proved. Instead, he should be given stoppage of two increments. Calling that finding in question, this appeal came to be filed.

In view of the settled legal position that the disciplinary authority, on the basis of the magnitude of the misconduct, is empowered to impose the punishment appropriate to the situation, the High Court is unjustified in interfering with the punishment of reversion, as most lenient view was taken by the Government. The nature of the punishment depends upon the magnitude of the misconduct. Since the misconduct in question is a grave one and the punishment of reversion itself being a very very too lenient one, the High Court is wholly incorrect in reducing the punishment which is not at all warranted in law.

The appeal is accordingly allowed. Since the respondent is not appearing, no costs.

Appeal allowed.