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

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Date of Decision: 24.03.2026

Ex-Head Constable Jai Inder

..... Appellant

VERSUS

The State of Haryana and ors.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr.Mannu Singh Sheokand, Advocate and
Mr. Sandeep Kumar Tada, Advocate
for the appellant.

ROHIT KAPOOR, J.

CM-2018-LPA-2026

1. For the reasons stated in the application, which is supported with an affidavit, the delay of 07 days in filing the appeal, stands satisfactorily explained.

2. In view thereof, the application is allowed and delay of 07 days in filing the appeal is condoned.

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3. The instant appeal filed under Clause X of the Letters Patent Appeal is directed against the judgment and the order dated 09.02.2026 passed by the learned Single Judge in CWP No. 19560 of 2014, whereby the writ petition filed by the appellant-writ petitioner has been dismissed.

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4. Briefly stated, the facts involved are that the appellant was enrolled in the Haryana Police Force on 15.04.1992 as Constable and was promoted to the rank of Head Constable in the year 2003. On 15.06.2007, while posted at Head Constable at Police Station, Rajound, District Kaithal, the appellant alongwith other police officials were directed by the then Station House Officer (SHO), SI Jagdish Singh to escort a couple, i.e. Manoj and Babli of village Karora, who had solemnized the marriage against the wishes of the family members. The couple had been granted a protection order from the competent Court at Kaithal. While the escorting police party was travelling with the couple in the bus, the SHO on a suspicion that the bus is being followed by the car, asked the police party to deboard with the couple and escorted them in the official vehicle till Pipli. Thereafter the couple at their own request boarded the Haryana Roadways Bus going to Karnal and allegedly refused further police protection. The couple was subsequently murdered by accused Gurdev Singh, relative of the deceased Girl. Scrutiny of the call records revealed that the SHO-Jagbir Singh and the appellant were in regular contact with Gurdev Singh and may have revealed the location of the couple. A regular departmental enquiry was conducted against the appellant and SI Jagbir Singh, wherein it was found that SI Jagbir Singh made all efforts to protect the couple and on getting suspicious, stopped the bus at Malikpur and took them secretly to Pipli Bus Stand, wherefrom they boarded the Haryana Rodways Bus to Delhi on their own volition. While, it was found that SHO had not talked with accused

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Gurdev Singh after the Court orders, however, the appellant continued to remain in touch with him even thereafter. In the enquiry, he admitted that he had even met the accused on the date of occurrence. Under these circumstances, the enquiry officer opined that the appellant was guilty of gross negligence in his duty, while SHO Jagbir Singh was not guilty. The disciplinary authority vide order dated 29.04.2008 awarded the punishment of dismissal from service to the appellant while punishing SI Jagbir Singh with stoppage of two annual increments on permanent basis. The appellant preferred a departmental appeal before the Inspector General of Police (IGP) Ambala Range, who accepted the appeal and reinstated the appellant vide order dated 26.06.2008.

5. The Director General of Police, Haryana (in short '*DGP*') reviewed the order of IGP under Rule 16.28 of the Punjab Police Rules, 1934 (hereinafter referred to '*the Rules 16.28*') (as applicable to Haryana) and recorded a disagreement note. A fresh show cause notice was issued to the appellant and the DGP, vide order dated 11.08.2009, restored the order of dismissal and set aside the order passed by the appellate authority. Aggrieved therefrom, the appellant preferred a statutory appeal before the Additional Chief Secretary to Govt., Haryana, Home Department, on 15.10.2009, which was eventually rejected, vide order dated 02.07.2013.

6. It is in this back drop, that the appellant approached the Writ Court challenging the order dated 11.08.2009 (Annexure P-7), passed by the DGP, restoring the dismissal order, and the order dated 02.09.2013 (Annexure

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P-10), whereby the appeal of the appellant was rejected. The learned Single Judge after considering the relevant facts and materials available on the record, dismissed the writ petition after inter alia observing that the scope of interference in disciplinary proceedings, while exercising jurisdiction under Articles of 226 and 227 of the Constitution of India, is limited. It was held that the Court has no power to look into quantum of sentence and punishment unless and until the Court finds that the sentence awarded is disproportionate to alleged offence. The judgments of the Hon'ble Supreme Court of India, in ***Union of India and others vs. Subrata Nath, 2022 Live Law (SC) 998, Syed Yakoob vs. K.S. Radhakrishnan and ors., AIR 1964 SC 477 and Central Council for Research in Ayurvedic Sciences and Another vs. Bikartan Das and others, (2023) SCC Online SC 996 and Union of India vs. P. Gunasekaran, (2015) 2 SCC 610*** were relied upon. Having considered the settled legal position as crystallized in the aforesaid judgments and examining the record, the learned Single Judge ultimately held as under in paragraph 9 of the impugned judgment:-

“From the perusal of record, it is evident that petitioner was responsible for safe custody of Manoj and Babli who solemnized marriage against the wish of their families. The petitioner was aware of location of aforesaid couple. He passed on information to Gurdev Singh who committed murder of aforesaid couple. Act of the petitioner was reprehensible and deplorable. He was given opportunity to present his case and there is no material irregularity or infirmity in the findings recorded by authorities warranting interference. The authorities have rightly passed impugned order of dismissal from service.”

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7. Leaned counsel appearing on behalf of the appellant has assailed the correctness of the decision passed by the learned Single Judge by arguing that it committed an error in mechanically applying the principle of limited scope of judicial review, without examining that the disciplinary proceedings were perverse, unsupported by evidence and based on irrelevant considerations. The findings of guilt against the appellant was based solely on mobile phone call records, and it was not established conclusively that the appellant had conveyed the location of the couple to the accused. It is contended that the learned Single Judge has failed to examine that the appellant was exonerated by the Inspector General of Police (in short 'IGP') and review of the said decision by the DGP in exercise of powers under Rule 16.28 of the PPR, was done by passing a non-speaking order and in an arbitrary manner. It is urged that the learned Single Judge has failed to apply its judicial mind on the aspect that findings against the appellant were not based on any legally admissible evidence; he was meted out with differential treatment in a discriminatory manner; the punishment of dismissal after long and unblemished service was grossly disproportionate and there was violation of the principles of the natural justice. Lastly, it is submitted that the learned Single Judge, while passing the impugned judgment, has completely misread the dictum of law as laid down by the Hon'ble Supreme Court in the various binding precedents, applicable in the facts of the case. Reliance is placed upon the judgments in the case of *State of Uttar Pradesh vs. Maharaja Dharmander Prasad Singh (1989) 2 SCC 505*, *Kranti Associates vs. Masood Ahmed Khan (2010) 9 SCC 496*,



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Man Singh vs. State of Haryana (2008) 12 SCC 331, and Ranjit Thakur vs. Union of India (1987) 4 SCC 611 in support of the contention raised.

8. We have heard learned counsel for the appellant and have gone through the material available on record with his able assistance.

9. The seminal issue that arises for adjudication in the instant appeal is whether the departmental orders terminating the services of the appellant warranted interference by the writ court in exercise of its powers under Articles 226/227 of the Constitution of India, in the facts and circumstances involved.

10. Before dwelling upon the issue, in the light of the arguments raised, it would be fruitful to recapitulate the factual position that emerges from the material available on record. The appellant was found guilty of gross misconduct by the enquiry officer. The findings of the enquiry officer, found favour with the disciplinary authority, who after giving due opportunity of hearing, passed a detailed and well reasoned order, terminating the services of the appellant. The appellate authority interfered with the order of dismissal on the short ground that the telephonic records are a weak form of evidence and malafide is not reflected. The Director General of Police in exercise of its powers under Rule 16.28 of the PPR Rules reviewed the matter and after examining all the material available on record, decided to issue a show cause notice to the appellant. It was only after considering the response of the appellant and providing him within opportunity of hearing that the punishment of dismissal was restored by the DGP vide order dated

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11.08.2009. Similarly the order passed by the appellate authority while deciding the statutory appeal, would reflect due application of mind and recording of detailed and cogent reasons.

11. It is in this factual backdrop that the jurisdiction of the Writ Court in matters of departmental/disciplinary proceedings is required to be examined. It is well settled that such jurisdiction is only supervisory in nature and not appellate. As a Court exercising writ jurisdiction, the high court does not reappreciate evidence, nor does it substitute its own view for the view taken by the fact finding authorities and does not interfere with the quantum of punishment unless it shocks the conscience of the Court. The legal position in this regard stands crystalized in the case of ***Subrata Nath (supra)*** wherein the Hon'ble Supreme Court, while relying upon in earlier decision in the case of

P. Gunasekaran (supra), inter alia observed as under:

“19. Laying down the broad parameters within which the High Court ought to exercise its powers under Article 226/227 of the Constitution of India and matters relating to disciplinary proceedings, a two Judge Bench of this Court in *Union of India and Others v. P. Gunasekaran* held thus:

"12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. 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:

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- 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) re-appreciate 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."

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22. To sum up the legal position, being fact finding authorities, both the Disciplinary Authority and the Appellate Authority are vested with the exclusive power to examine the evidence forming part of the inquiry report. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has the discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct. However, in exercise of powers of judicial review, the High Court or for that matter, the Tribunal cannot ordinarily re-appreciate the evidence to arrive at its own conclusion in respect of the penalty

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imposed unless and until the punishment imposed is so disproportionate to the offence that it would shock the conscience of the High Court/Tribunal or is found to be flawed for other reasons, as enumerated in P. Gunasekaran (*supra*). If the punishment imposed on the delinquent employee is such that shocks the conscience of the High Court or the Tribunal, then the Disciplinary/Appellate Authority may be called upon to re-consider the penalty imposed. Only in exceptional circumstances, which need to be mentioned, should the High Court/Tribunal decide to impose appropriate punishment by itself, on offering cogent reasons therefore."

12. The Constitution Bench of the Hon'ble Supreme Court in the case of **Sayed Yakub (*supra*)** laid down the founding principles governing the issuance of writs of certiorari. It is by now well settled, that the High Court does not exercise the powers of an appellate authority nor it does review or reweigh the evidence. The limited grounds of interference can be when there is an error of law, which is apparent on the face of the record, error of jurisdiction etc. Undoubtedly, the High Court may exercise its extra ordinary and equitable jurisdiction in an appropriate case, with a view to do substantive justice between the parties.

13. Keeping in view the limited scope of interference, we are unable to appreciate the arguments raised by the appellant that the learned Single Judge has misinterpreted the scope of judicial review. The argument that the findings of the departmental authorities were perverse, unsupported by evidence or based on irrelevant consideration is fallacious as the appellant wants the Writ Court to act as an appellate authority and reappraise the quality and/or adequacy of evidence. Even otherwise, it is well settled that the standard of proof in disciplinary proceedings is based upon preponderance of

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probabilities and the allegations are not required to be proved beyond all reasonable doubt. As discussed hereinabove, the records reveal that due procedures have been followed in consonance with the principles of natural justice, therefore no procedural violation has been shown.

14. The second argument regarding infraction of the statutory rule, that is Rule 16.28 of the PPR Rules, is equally without merit. The DGP was well within its powers to take a different view than that of the appellate authority, after according reasons for the same. Perusal of the order passed in review, would show that the same is in conformity with the principles of natural justice and has been passed after due application of mind. We are therefore of the considered opinion, that the argument of the appellant that the order passed by the reviewing authority suffered from any infirmity, cannot be countenanced. As regards the argument regarding the alleged discrimination, on the purported ground that the other delinquent official i.e. SI Jagbir Singh, was awarded a lesser punishment of stoppage of two increments, we are of the view that said argument is also baseless for a multitude of reasons. Firstly, the findings of the enquiry officer clearly distinguished the roles of the two delinquents on the basis of evidence before him. Secondly, the quantum of punishment awarded to a co-delinquent, does not *ipsofacto* become a ground for interference with the punishment awarded to a delinquent employee/official, unless records reveal that it is a case of gross discrimination, apparent on the face of the record. In the facts and circumstances of the instant case, the appellant has failed to establish any such ground.

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15. We have also given our anxious consideration to the plea of the appellant that the punishment of dismissal after a long and unblemished service of more than 15 years, is grossly disproportionate. However considering the peculiar facts involved, which pertains to dereliction of duty of a member of a disciplined force, which was linked with the brutal honour killing of a young couple, we are not impressed with such argument.

16. The judgments cited by the learned counsel for the appellant, would not come to his aid, as the principles of law laid down therein, have no bearing on the facts involved in the case in hand.

17. In that view of the matter, we are in respectful agreement with the findings arrived at by learned Single Judge and do not find any ground warranting interference in the judgment dated 09.02.2026, in exercise of the powers under Clause X of the Letters Patent Appeal.

18. As a result thereof, the instant appeal fails and is dismissed accordingly.

19. Pending application(s), if any, shall also stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

24.03.2026

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Whether speaking/reasoned : Yes

Whether Reportable : Yes