

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5142/2025
CNR: RJHC020284742025 | URN: CW / 12418U / 2025

Dr. Trilok Chand Gagrani S/o Late Shri Rampal Gagrani, Aged About 64 Years, R/o House No. 43, Navrang Nagar, Beawar, District Beawar (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary To The Government, Department Of Medical And Health, Secretariat, Jaipur.
2. Director, Medical And Health Department, Swasthya Bhawan, Jaipur.
3. Principal Secretary To The Government, Department Of Personnel, Secretariat, Jaipur.
4. Deputy Secretary (Ka-3/ Inquiry), Department Of Personnel, Secretariat, Jaipur.
5. Director, Pension And Pensioners Welfare Department, Jyoti Nagar, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Ishwar Lal Jain
For Respondent(s)	:	Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE ANAND SHARMA

Order

31/08/2026

1. By way of filing this writ petition, the petitioner has challenged order dated 16.01.2025 passed by the Deputy Secretary, Department of Personnel, Rajasthan under Rule 7(1) of the Rajasthan Civil Services (Pension) Rules, 1996, whereby penalty of withholding 100% pension permanently has been imposed upon the petitioner.

2. Petitioner has come out with the case that he was initially appointed on the post of Medical Officer, who was later on promoted from time to time and at the time of passing of impugned order, he was holding the post of Chief Specialist (Gynecology). It is submitted that by the date on which impugned order was passed, the petitioner had already rendered around 35 years of service without there being any penalty in his service record. Learned counsel for the petitioner submits that except the impugned order, there has been no complaint or inquiry whatsoever against the petitioner.

3. Learned counsel further submits that on account of some confusion or misconceived notion of facts, on 27.06.2021 complaint was lodged by one of female official of Maternity and Child Wing Amrit Kaur Hospital, Beawar against the petitioner for causing sexual harassment at work place. After conducting necessary preliminary inquiry, charge-sheet under Rule 18-A of Rajasthan Civil Services (CCA) Rules, 1958 was issued to the petitioner calling upon him to file his reply. Thereafter, inquiry was conducted in which Inquiry Officer held the petitioner guilty of the charges and copy of inquiry report was also served upon the petitioner requiring him to file representation against the findings of Inquiry Officer.

4. Learned counsel also submits that petitioner availed opportunity and filed representation against the inquiry report, however, as per the petitioner, without properly considering the record in objective manner, vide order dated 16.01.2025, penalty of withholding 100% pension permanently has been imposed against the petitioner.

5. Although, learned counsel for the petitioner initially raised the grounds to challenge the punishment order on merits by demonstrating flaws in the inquiry proceedings, yet when learned counsel for the respondents pointed out that the petitioner himself admitted his guilt and even tendered apology in writing to the victim lady, learned counsel for the petitioner did not press any grounds on merits and confined his submissions only to the sole ground that the punishment of withholding 100% pension permanently is quite harsh and disproportionate to the guilt of the petitioner.

6. Learned counsel for the petitioner submits that petitioner has rendered services of 35 years as Gynecologist and on account of his nature of work he had to come across hundreds of female patients during his service, however, not a single complaint whatsoever has ever been lodged against the petitioner suggesting any kind of objectionable sexual behaviour or harassment on the part of the petitioner. Learned counsel submits that on the date of passing of impugned order, the petitioner had already retired attaining age of superannuation and was aging around 64 years. After rendering services for around 35 years, petitioner had otherwise earned pension and other retiral benefits, which but for the impugned order would not be granted to the petitioner, therefore, the impugned punishment order is not only a punishment for petitioner himself, but his entire family is also bound to suffer.

7. Learned counsel submits that even the nature of allegation against the petitioner was not quite serious and in initial complaint, it was given out that the petitioner allegedly teased

and harassed the victim and he was under intoxication. Learned counsel submits that admittedly there is no allegation whatsoever against the petitioner for exceeding his authority against the female victim or even of outraging her modesty, therefore, under these circumstances, imposition of harshest penalty of withholding 100% pension permanently would cause serious prejudice and miscarriage of justice to the petitioner and is infact shockingly disproportionate to his guilt.

8. *Per contra*, learned counsel for the respondent-Government submits that so far as conducting of inquiry against the petitioner is concerned, petitioner is not able to point out even a single flaw or violation of principles of natural justice. Learned counsel while justifying the quantum of punishment submitted that this Court while exercising jurisdiction under Article 226 of the Constitution of India cannot sit as an appellate body so as to deal with the quantum and in the instant case, where the disciplinary authority as per its wisdom has passed the penalty order, which as per the nature of misconduct proved against to the petitioner, can be said to be in commensuration with his guilt and such penalty cannot be said to be disproportionate.

9. Heard learned counsel for the parties and perused the material available on record.

10. Looking to the limited grievance raised by the petitioner, this Court finds that the facts of the case are not much in dispute and the only question, which is to be decided by this Court is as to whether quantum of punishment in the present said case of facts and circumstances can be interfered with by this

Court in exercise of writ jurisdiction under Article 226 of the Constitution of India or not.

11. This Court is in complete agreement to the proposition framed by learned counsel for the respondents that ordinarily the scope of interference in quantum of punishment while exercising writ jurisdiction is limited, however, there cannot be any *straitjacket formula*.

12. In the case of **Rajasthan State Road Transport Corporation & Ors. Vs. Shri Ram Yadav** reported in **1995 (3) WLC 16**, the Division Bench of this Court has laid down a principle that the disciplinary rules contains so many penalties to be imposed against delinquent for commission of misconduct, however, the disciplinary authority while imposing penalty is under a legal obligation to give its finding with regard to choice of penalty. In the instant case, this Court although finds no error or perversity in the report of Inquiry Officer as well as the procedure undertaken by the respondents for imposing the impugned penalty, yet simultaneously on meticulous scrutiny of the penalty order, it is apparent that the disciplinary authority has not applied its mind over the choice of penalty to be imposed against the petitioner in the facts and circumstances of the case.

13. Undisputedly, the petitioner has rendered more than 35 years of service as a Gynecologist and it is not the case of the respondents that during his long service career, he was ever subjected to any other disciplinary proceedings or enquiry, or that any other material of similar nature exist against him in his service record. The length of service, the overall service record and the absence of any previous misconduct are undoubtedly

relevant circumstances while examining the proportionately of the punishment imposed upon a retired employee. In the present case, the punishment of withholding 100% pension virtually deprives the petitioner of the entire financial security earned by him after rendering more than three decades of service. Therefore, permanent deprivation of the entire pension can have consequences of an extremely harsh and devastating nature. Such a punishment inevitably affects not only the concerned employee but also the members of his family. It may, therefore, be aptly observed that the complete and permanent deprivation of pension is akin to financial death of the entire family. While the misconduct, if established, must undoubtedly be dealt with appropriately, the punishment imposed must nevertheless remain commensurate with the proved misconduct, and it cannot be so disproportionate or excessive as to be oppressive, arbitrary or shock the conscience of the Court.

14. In view of above, this Court finds that the penalty imposed against the petitioner vide impugned order dated 16.01.2025 is strikingly and shockingly disproportionate to the misconduct committed by the petitioner and since, the petitioner has already retired from service, therefore, it would not be in the interest of justice to remand this matter back to the disciplinary authority for choosing proper penalty, and therefore, while exercising its extraordinary jurisdiction, this Court deems it just and proper to modify the penalty of withholding 100% pension permanently as imposed by the respondents vide order dated 16.01.2025 to the penalty of compulsory retirement from the date on which the alleged incident took place i.e. w.e.f. 27.06.2021 and

treating the petitioner to be compulsorily retired w.e.f. 27.06.2021, the respondents are directed to grant and sanction all the retiral benefits along with the arrears. Compliance of this order shall be made within a period of 60 days from the date of receipt of certified copy of this order. The present writ petition is disposed of with the aforesaid directions.

15. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J