



CIVIL

High Court of Punjab and Haryana: Proportionality in Punishment is Key in Disciplinary Actions

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In a significant ruling, the High Court of Punjab and Haryana at Chandigarh has reduced the punishment of a police officer who was penalized for a day's absence from duty. The case, titled *Satyaveer Singh vs State of Haryana and others*, highlights the importance of proportionality in disciplinary actions and underscores the court's commitment to ensuring that punishments are commensurate with the offenses committed.

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Case Background

The petitioner, Satyaveer Singh, joined the Haryana Police Force as a Constable on 11 November 2008. In August 2014, he was found guilty of remaining absent from duty for 24 hours and 20 minutes. As a result, he was dismissed from service by an order dated 23 January 2015, passed by the Superintendent of Police, Rewari. The petitioner appealed against this decision, and the appellate authority, the Inspector General of Police, Rewari, reduced the punishment in an order dated 20 March 2015. The punishment of dismissal was converted to forfeiture of 10 annual increments with permanent effect. The petitioner then filed a revision before the Director General of Police, Haryana, which was dismissed in an order dated 04 July 2015. Consequently, the petitioner filed a writ petition under Articles 226 and 227 of the Constitution of India, seeking to set aside the orders dated 20 March 2015 and 04 July 2015.

Rival Contentions

The petitioner argued that the punishment awarded by the authorities was disproportionate to the alleged misconduct. He contended that the punishment should be commensurate with the gravity of the offense and that the appellate and revisionary authorities had acted mechanically without considering the proportionality of the punishment. On the other hand, the respondent, represented by Ms. Rajni Gupta, Additional Advocate General, Haryana, conceded that the punishment was awarded for a single day's absence from duty. The respondent emphasized that the petitioner, being a part of a disciplined force, was expected to maintain high standards of discipline and that the appellate and revisionary authorities had acted within their jurisdiction.

Legal Provisions and Judgments Relied Upon

The High Court relied on Rule 16.2 of the Punjab Police Rules, 1934 (applicable to Haryana), which states that dismissal from service is reserved for the gravest acts of misconduct or continued misconduct proving incorrigibility and complete unfitness for police service. The rule mandates consideration of the length of service and the claim to pension when awarding dismissal. The court also referred to several Supreme Court judgments, including *Om Kumar v. Union of India* (2001) 2 SCC 386 and *Bhagat Ram v. State of Himachal Pradesh* (1983) 2 SCC 442, which emphasize the principle of proportionality and hold that disproportionate punishment violates Article 14 of the Constitution of India.

Analysis of the Court

The High Court analysed the facts and legal provisions. The court noted that the punishment of forfeiture of 10 annual increments was disproportionate to the alleged misconduct of a single day's absence. The court highlighted that the appellate and revisionary authorities had acted mechanically without considering the proportionality of the punishment. The court observed that despite a small period of delay; the Director General of Police had mechanically dismissed the revision. The court concluded that the punishment awarded was disproportionate to the alleged misconduct.

Final Decision

Considering the passage of 10 years and to avoid further litigation, the court decided not to remand the matter but to reduce the quantum of punishment to forfeiture of one increment with cumulative effect. The petition was disposed of in these terms, and

any pending applications were also deemed disposed of. This decision emphasises the court's commitment to ensuring that punishments are proportionate to the offenses and highlights the importance of adhering to the principle of proportionality in disciplinary actions.

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