



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1418

CWP-8630-2016 (O&M)  
Date of decision: 25.04.2025

SATPAL SINGH DALAL

.....Petitioner

VERSUS

STATE OF HARYANA THROUGH ADDITIONAL CHIEF SECRETARY  
TO GOVT. OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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Present: - Mr. Sanjiv Gupta, Advocate  
for the petitioner.

Mr. Rahul Dev, Addl. A.G. Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

Prayer in the present writ petition is for setting aside of the punishment order dated 30.10.2012 (endorsed on 05.11.2012) whereby punishment of stoppage of four increments with cumulative effect had been inflicted and the period from 05.09.2010 to 30.11.2011 has been ordered to be treated as absent from duty, alongwith all other related consequences.

2. Learned Counsel appearing on behalf of the petitioner has raised a crisp argument that even though the proceedings against the petitioner had been initiated under Rule 8 of the Haryana Civil Services (Punishment & Appeal) Rules (which pertain to minor penalties), however, a



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major penalty of stoppage of 04 increments with cumulative effect had been inflicted upon the petitioner without following the mandatory procedure prescribed for imposition of a major penalty. No Regular Departmental Enquiry was ever conducted by the respondents before imposition of the major penalty. He contends that the impugned order would be liable to set aside in view of the judgment of the Full Bench judgment of this Court in the matter of **“Dr. K.G. Tiwari versus State of Haryana”** reported as **2002 (2) SCT 915**. The relevant extract thereof reads thus:-

*“24. We may also examine the contentions put forward by the learned counsel for the petitioner from another angle. In a case where a chargesheet is issued under Rule 7 for the imposition of a major penalty, if the disciplinary authority, after receiving the reply to the chargesheet, finds that there is no material against the chargesheeted employee, and therefore, after holding of a regular enquiry, it will not be in a position to punish the chargesheeted employee, but still, for its own reasons wants to impose some punishment on him, then the disciplinary authority will choose to adopt the methodology of dropping the procedure contemplated under Rule 7, and simply state that the explanation of the chargesheeted employee has been considered, and impose a minor punishment. This is not the object of having two different sets of procedures in the form of Rule 7 and Rule 8. The object of prescribing these rules for holding disciplinary proceedings is to protect the chargesheeted employee from arbitrary and capricious exercise of power by disciplinary authority and from unjust and illegal punishments. These Rules are intended to safeguard the rights of such chargesheeted employee and to comply with the principles of natural justice.*



Xx xxx xxx xxx xxx xxx xxx xxx

*28. We hold that once the chargesheet is issued under Rule 7 of the Rules 1987 for the imposition of a major penalty, which envisages holding of a regular departmental enquiry, the disciplinary authority cannot by merely examining the reply to the chargesheet, inflict even a minor punishment without holding a complete departmental enquiry. We answer the reference accordingly, and direct the writ petitions to be placed before the appropriate Bench for further examination and disposal.”*

3. Counsel appearing on behalf of the respondent State defends the order, however, he is not in a position to controvert that the impugned order itself specifically reflects that the disciplinary proceedings had been initiated under Rule 8 of the Haryana Civil Services (Punishment & Appeal) Rules, 1987 and that imposing the penalty of stoppage of four annual increments with cumulative effect would be a major penalty.

4. In view of the above and taking into consideration the ratio of the judgment in the matter of ***Dr. K.G. Tiwari (supra)***, the instant petition is allowed. The order dated 30.10.2012 (endorsed on 05.11.2012) imposing the major penalty of stopping of four increments with cumulative effect is accordingly set aside. The matter is remanded to the authorities to pass an appropriate order in consonance with the proceedings initiated under the Haryana Civil Services (Punishment & Appeal) Rules, 1987.

5. Needless to mention that the entitlement of the petitioner to the benefits shall be re-determined after passing of a final order by the competent authority, in accordance with law. Let the aforesaid exercise be



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completed by the respondent-authorities within a period of four months of receipt of certified copy of this order.

6. The present writ petition is hence allowed in above terms.
7. All the pending miscellaneous application(s), if any, are also disposed of.

**APRIL 25, 2025**  
*Vishal Sharma*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No