**(2013) 08 P&H CK 0838**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** C.W.P. No. 7759 of 1998

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| T.C. Tanwar | | APPELLANT |
| | Vs | |
| The High Court for the States of Punjab and Haryana and Another | | RESPONDENT |

**Date of Decision:** Aug. 14, 2013

**Acts Referred:**

- Constitution of India, 1950 - Article 14, 226, 32

**Hon'ble Judges:** Hemant Gupta, J; Fateh Deep Singh, J

**Bench:** Division Bench

**Advocate:** R.K. Malik, with Mr. Mohan Singla, for the Appellant; A.K. Chopra , with Mr. Vikas Suri, Advocate and Mr. Sandeep Vermani, Addl. AG, Haryana, for the Respondent

**Final Decision:** Dismissed

**Judgement**

Hemant Gupta, J.

Challenge in the present writ petition is to an order passed by the State Government on 23.04.1998 (Annexure P-15), whereby the petitioner was dismissed from services. The petitioner joined Haryana Civil Services (Judicial Branch) on 11.05.1981. He was placed under suspension on 27.07.1985. The petitioner was issued a charge-sheet on 28.09.1985 in respect of six charges. The petitioner submitted his reply to the said charge-sheet on 17.10.1985. The petitioner was served with another supplementary charge-sheet containing a single additional charge, which was also replied by the petitioner on 10.02.1986. The Full Court in its meeting held on 13.01.1988 accepted the report of the Sub Committee constituted to consider the charge-sheet and the reply submitted by the petitioner, recommending the revocation of suspension and also imposition of minor punishment. The Full Court referred the matter to the concerned Vigilance Judge for further necessary action. The learned Vigilance Judge was pleased to order stoppage of three increments with cumulative effect vide order dated 09.05.1988 (Annexure P-4).

2. The petitioner challenged the said order by way of service appeal. Such appeal was dismissed on 15.11.1988. The writ petition i.e. CWP No. 12716 of 1989 filed against the said order was also dismissed on 22.01.1990. However, the Hon''ble Supreme Court allowed Civil Appeal No. 136 of 1996 against the order passed by this Court on 02.01.1996. The said order reads as under:

Heard counsel for the parties.

It has now been held by this Court that imposition of penalty of with-holding of increments with cumulative effect is a major penalty. In the present case, the penalty imposed is of the said nature. But the procedure that was followed was one applicable to minor penalty cases. In this view of the matter, the entire enquiry must be deemed to have been vitiated. Accordingly, leave is granted herein, the appeal is allowed and the judgment of the High Court is set aside.

It is obvious that if the disciplinary authority thinks it appropriate, this order does not preclude it from holding a fresh enquiry in accordance with law.

3. In terms of the order passed by the Hon''ble Supreme Court, the matter was reconsidered by the Full Court and it was decided to charge-sheet the petitioner afresh. A fresh charge-sheet was, thus, issued on 29.10.1996 containing the similar charges as were earlier issued to the petitioner on 28.09.1985. The Full Court in its meeting held on 24.02.1997, after considering the reply filed by the petitioner as unsatisfactory, decided that a regular departmental enquiry be held against the petitioner. Earlier, the petitioner was served upon with another charge-sheet dated 27.07.1995 proposing to take action against the petitioner under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 1987. The petitioner submitted his reply on 25.08.1995. The Full Court again decided to hold a regular departmental enquiry in respect of the said charge-sheet. The Enquiry Officer submits his reports in respect of both the charge-sheets on 26.08.1997 and 03.09.1997. The Enquiry Officer in his report dated 03.09.1997 in respect of charge-sheet dated 27.07.1995 found that charges A, C, D & E stand substantiated against the delinquent officer, whereas charge B was not said to be proved. However, the Enquiry Officer in his report dated 26.08.1997 relating to charge-sheet dated 29.10.1996 returned the following finding:
In the final analysis, I hold that the manner in which the delinquent officer had acted, can, in no way, be termed to be judicious manner. He had been passing and reversing his own orders in a kaleidoscopic manner and not in a legal and judicious manner as he had been on one hand, accepting bails abruptly and on the other hand, had been cancelling bails abruptly without notice and without adhering to the rules of law and procedure. All this bears an eloquent testimony to this effect that the delinquent officer committed gross-negligence and gross-misconduct while performing his judicial function.

4. The Full Court in its meeting held on 05.09.1997 decided to issue show cause notice to the petitioner as to why the said reports be not accepted and the petitioner be not dismissed from service. Accordingly, two show cause notices dated 10.09.1997 and 24.09.1997 were issued to the petitioner to which the petitioner submitted his replies on 06.10.1997 and 29.10.1997 respectively. The enquiry reports as well as the replies submitted by the petitioner were considered by the Full Court in its meeting held on 19.02.1998 and recommendations were made for imposition of penalty of dismissal from service. In pursuance of such recommendations, the State Government passed the impugned order dated 23.04.1998 dismissing the petitioner from service.

5. In the written statement on behalf of respondent No. 1--High Court, it has been averred that keeping in view the gravity of allegations, after the orders of the Hon''ble Supreme Court, it was decided to serve a fresh charge-sheet containing the statement of charges from which the petitioner had earlier not been exonerated. The enquiry was conducted and after considering the reply, recommendations were made to dismiss the petitioner from service. It is also pointed out that numerous persons have made complaints against the petitioner levelling allegations of favouritism, corruption and misuse of official position and authority. After considering such complaints, six independent reports were submitted by the learned Judge, which were considered by the Full Court in its meeting held on 30.03.1995, wherein it was decided to serve charge-sheet upon the petitioner and consequently, charge-sheet dated 27.07.1995 was served upon the petitioner. It is also pointed out that there was another complaint against the petitioner, which was received on 20.09.1995. In such complaint, a fact finding enquiry was conducted by the District & Sessions Judge, Gurgaon, who in its report dated 06.03.1996 found that the allegations against the petitioner, in discharge of his duties as a Subordinate Judge while posted at Frozepur Jhirka, are prima facie correct. Accordingly, another charge-sheet was served upon the petitioner on 20.02.1997. After considering the reply to the said charge-sheet, it was decided to hold a regular departmental enquiry. In the said enquiry proceedings, it was decided by the Full Court on 19.02.1998 to stop three increments of the petitioner with cumulative effect, but since the recommendations were made to the State Government in respect of the dismissal of the petitioner, so the implementation of such decision of the Full Court was deferred. Reference was also made to another complaint against him, when the petitioner was posted as Sub Divisional Judicial Magistrate, Loharu and also the complaint made by the petitioner directly to the Hon''ble Chief Justice of India; the Governor of Haryana; Chairman, Scheduled Castes Commission and the Minister of Railways etc. The petitioner was again served with a charge-sheet dated 18.12.1997. The petitioner submitted his reply on 06.02.1998. The matter was considered by the Full Court on 20.03.1998, but the further proceedings were deferred, as in the meantime, recommendations have already been made for the dismissal of the petitioner. It is pointed out that right from the year 1984-85 up to

1997-98, number of complaints have been received against the petitioner.

6. Before this Court, learned counsel for the petitioner has vehemently argued that on similar allegations, this Court has earlier decided to impose punishment of stoppage of three increments with cumulative effect. After the said order was set aside, the punishment of dismissal from service has been imposed. It is, thus, contended that the action of the High Court in imposing higher severe punishment after setting aside of the earlier order is not tenable and is highly disproportionate to the misconduct, which earlier warranted only stoppage of three increments with cumulative effect. It is also contended that the petitioner has served for 18 years and, therefore, the order of punishment of dismissal from service should be substituted with that of order of compulsory retirement, which will entitle the petitioner to avail the retiral benefits from the State Government. Reliance is placed upon the judgments of Single Bench of this Court in P.S. Rao Vs. The H.S.E.B. 2001 (3) SCT 1086 & Harbhajan Singh Vs. The Secretary and others 1994 (3) RSJ 120; judgment of Allahabad High Court in Rajesh Kumar Tripathi Vs. State of Uttar Pradesh 1993 (3) SCT 274; and judgment of Supreme Court in B.C. Chaturvedi Vs. Union of India and others, .

7. On the other hand, learned counsel for respondent No. 1 referred to the recent judgment of the Hon''ble Supreme Court reported as Registrar General, Patna High Court Vs. Pandey Gajendra Prasad and Others, to contend that this Court in exercise of judicial review can interfere with the decision of the departmental authority, if such authority has held the proceedings in violation of the principles of natural justice or in violation of statutory regulations prescribing the mode of such enquiry or if the decision of the authority is vitiated by considerations extraneous to the evidence on the merits of the case. The counsel relied upon para 18 of the said judgment, which reads as under:

18. It is trite that the scope of judicial review, under Article 226 of the Constitution, of an order of punishment passed in departmental proceedings, is extremely limited. While exercising such jurisdiction, interference with the decision of the departmental authorities is permitted, if such authority has held the proceedings in violation of the principles of natural justice or in violation of statutory regulations prescribing the mode of such enquiry or if the decision of the authority is vitiated by consideration extraneous to the evidence on the merits of the case, or if the conclusion reached by the authority, on the face of it, is wholly arbitrary or capricious that no reasonable person could have arrived at such a conclusion, or grounds very similar to the above. (See: High Court of Judicature of The High Court of Judicature at Bombay, Through Its Registrar Vs. Shashikant S.Patil and Another,

8. It is also contended that this Court in exercise of judicial review cannot substitute its order of punishment. It is argued that earlier order of punishment of stoppage of three increments with cumulative effect having been set aside cannot be taken into consideration for any purpose. It is also contended that the order of punishment of

dismissal from service is based upon the enquiry conducted into the same charges, which were served upon the petitioner earlier in the year 1985 and also in respect of second charge-sheet served 27.07.1995. Therefore, the gravity of mis-conduct was not the same, which was before the Full Court, when it was earlier decided to impose punishment of stoppage of three increments with cumulative effect without conducting any enquiry. It is also contended that earlier punishment was imposed without conducting regular enquiry after holding that the reply submitted by the petitioner is unsatisfactory, but now the enquiry report has been received holding the petitioner guilty of mis-conduct. Thus, it is contended that the order of minor punishment was passed on account of unsatisfactory reply, whereas the order of dismissal of service has been passed on positive proof of mis-conduct against the petitioner. Thus, the order of punishment of dismissal from service cannot be said to be unfair, unjust, arbitrary or irrational.

9. We have heard learned counsel for the parties and find that the order of dismissal from service does not warrant any interference by this Court in exercise of writ jurisdiction.

10. The order of minor punishment passed earlier by this Court has been set aside by the Hon''ble Supreme Court holding that the stoppage of three increments with cumulative effect is a major penalty and could not be imposed without conducting regular enquiry. The Hon''ble Supreme Court has granted liberty to initiate departmental proceedings, if deemed appropriate. This Court thereafter has issued a fresh charge-sheet though on identical charges. The Enquiry Officer was appointed who has recorded evidence and found that the charges against the petitioner stand proved. The reply of the petitioner to the enquiry report was considered as unsatisfactory. There was another charge-sheet served upon the petitioner on 27.07.1995. The reply to the said charge-sheet was also considered as unsatisfactory and Enquiry Officer was appointed. The reports of the Enquiry Officer in two independent enquiries were considered by the Full Court in its meeting held on 19.02.1998 and it was decided to recommend dismissal of the services of the petitioner. The order of punishment of stoppage of three increments with cumulative effect was passed after finding the reply of the petitioner as unsatisfactory, whereas the Enquiry Officer has found the charges of misconduct proved against the petitioner. The charges were proved in respect of another charge-sheet dated 27.07.1995 served independent of the misconduct, in respect of which charge sheet was earlier served in the year 1985 subsequently again served 29.10.1996. The order of dismissal was cumulative effect of both the enquiry proceedings. In fact, there was another enquiry in which the petitioner was found guilty of misconduct and punishment of stoppage of three increments was decided to be imposed, but its implementation was deferred in view of the recommendations for dismissal of services of the petitioner. Therefore, the punishment earlier imposed, which has been set aside by the Hon''ble Supreme Court cannot be made basis to challenge the punishment imposed after conducting

regular enquiry and after considering the additional charge-sheet.

11. The power of judicial review is to examine the decision making process and not the decision itself. The Hon''ble Supreme Court in Tata Cellular Vs. Union of India, upon detailed consideration of the parameters within which judicial review could be exercised in matters relating to contracts, has culled out the following principles:

70. It cannot be denied that the principles of judicial review would apply to the exercise of contractual powers by government bodies in order to prevent arbitrariness or favouritism. However, it must be clearly stated that there are inherent limitations in exercise of that power of judicial review. The Government is the guardian of the finances of the State. It is expected to protect the financial interest of the State. The right to refuse the lowest or any other tender is always available to the Government. But, the principles laid down in Article 14 of the Constitution have to be kept in view while accepting or refusing a tender. There can be no question of infringement of Article 14 if the Government tries to get the best person or the best quotation. The right to choose cannot be considered to be an arbitrary power. Of course, if the said power is exercised for any collateral purpose the exercise of that power will be struck down.

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77. The duty of the court is to confine itself to the question of legality. Its concern should be:

(1) Whether a decision-making authority exceeded its powers?

(2) committed an error of law,

(3) committed a breach of the rules of natural justice,

(4) reached a decision which no reasonable tribunal would have reached, or

(5) abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

(i) Illegality: This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.

(ii) Irrationality, namely, Wednesbury unreasonableness.

(iii) Procedural impropriety.

The above are only the broad grounds but it does not rule out addition of further grounds in course of time....

12. Later in Nirmala J. Jhala Vs. State of Gujarat and Another, the court extended the said principles in the matter of the departmental proceedings. It has been held to the following effect:

22. It is settled legal proposition that judicial review is not akin to adjudication on merits by re-appreciating the evidence as an appellate authority. The only consideration the Court/Tribunal has in its judicial review, is to consider whether the conclusion is based on evidence on record and supports the finding or whether the conclusion is based on no evidence. The adequacy or reliability of the evidence is not a matter which can be permitted to be canvassed before the Court in writ proceedings. (Vid State of Tamil Nadu and another Vs. S. Subramaniam, R.S. Saini Vs. State of Punjab and Others, and Govt. of A.P. v. Mohd. Nasrullah Khan (2006) 22 SCC 373)

23. In Zora Singh, this Court while dealing with the issue of scope of judicial review, held as under: (SCC p. 838, para 10)

10. ...The principle that if some of the reasons relied on by a Tribunal for its conclusion turn out to be extraneous or otherwise unsustainable, its decision would be vitiated, applies to cases in which the conclusion is arrived at not on assessment of objective facts or evidence, but on subjective satisfaction. The reason is that whereas in cases where the decision is based on subjective satisfaction if some of the reasons turn out to be irrelevant or invalid, it would be impossible for a superior court to find out which of the reasons, relevant or irrelevant, valid or invalid, had brought about such satisfaction. But in a case where the conclusion is based on objective facts and evidence, such a difficulty would not arise. If it is found that there was legal evidence before the Tribunal, even if some of it was irrelevant, a superior court would not interfere if the finding can be sustained on the rest of the evidence. The reason is that in a writ petition for certiorari the superior court does not sit in appeal, but exercises only supervisory jurisdiction, and therefore, does not enter into the question of sufficiency of evidence.

(emphasis added)

24. The decisions referred to hereinabove highlights clearly, the parameter of the Court''s power of judicial review of administrative action or decision. An order can be set aside if it is based on extraneous grounds, or when there are no grounds at all for passing it or when the grounds are such that, no one can reasonably arrive at the opinion. The Court does not sit as a court of appeal but, it merely reviews the manner in which the decision was made. The Court will not normally exercise its power of judicial review unless it is found that formation of belief by the statutory authority suffers from mala fides, dishonest/corrupt practice. In other words, the authority must act in good faith. Neither the question as to whether there was

sufficient evidence before the authority can be raised/examined, nor the question of re-appreciating the evidence to examine the correctness of the order under challenge. If there are sufficient grounds for passing an order, then even if one of them is found to be correct, and on its basis the order impugned can be passed, there is no occasion for the Court to interfere. The jurisdiction is circumscribed and confined to correct errors of law or procedural error, if any, resulting in manifest miscarriage of justice or violation of principles of natural justice. This apart, even when some defect is found in the decision-making process, the Court must exercise its discretionary power with great caution keeping in mind the larger public interest and only when it comes to the conclusion that overwhelming public interest requires interference, the Court should intervene.

13. The said principle was again restated in the following words in Kalinga Mining Corporation Vs. Union of India (UOI) and Others,

62. It is by now well settled that judicial review of the administrative action/quasi-judicial orders passed by the Government is limited only to correcting the errors of law or fundamental procedural requirements which may lead to manifest injustice. When the conclusions of the authority are based on evidence, the same cannot be reappreciated by the Court in exercise of its powers of judicial review. The Court does not exercise the powers of an appellate court in exercise of its powers of judicial review. It is only in cases where either findings recorded by the administrative/quasi-judicial authority are based on no evidence or are so perverse that no reasonable person would have reached such a conclusion on the basis of the material available that the Court would be justified to interfere with the decision. The scope of judicial review is limited to the decision-making process and not to the decision itself, even if the same appears to be erroneous.

14. In respect of the departmental proceedings against the judicial officer, the reference may be made to one of the comprehensive and latest judgment in Rajendra Singh Verma (Dead) through L.Rs Vs. Lt. Governor of NCT of Delhi and Another, . The Hon''ble Supreme Court has held that Judicial service is not a service in the sense of an employment, but Judges are discharging their functions while exercising the sovereign judicial power of the State. Their honesty and integrity is expected to be beyond doubt. It should be reflected in their overall reputation. The Court observed as under:

81. Judicial service is not a service in the sense of an employment as is commonly understood. Judges are discharging their functions while exercising the sovereign judicial power of the State. Their honesty and integrity is expected to be beyond doubt. It should be reflected in their overall reputation. There is no manner of doubt that the nature of judicial service is such that it cannot afford to suffer continuance in service of persons of doubtful integrity or who have lost their utility.

15. In another judgment reported as R.C. Chandel Vs. High Court of M.P. and Another, , the Supreme Court re-stated the importance of integrity of the Judicial Officers in the following words:

29. Judicial service is not an ordinary government service and the Judges are not employees as such. Judges hold the public office; their function is one of the essential functions of the State. In discharge of their functions and duties, the Judges represent the State. The office that a Judge holds is an office of public trust. A Judge must be a person of impeccable integrity and unimpeachable independence. He must be honest to the core with high moral values. When a litigant enters the courtroom, he must feel secured that the Judge before whom his matter has come, would deliver justice impartially and uninfluenced by any consideration. The standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the society cannot be expected to have high standards and ethical firmness required of a Judge. A Judge, like Caesar''s wife, must be above suspicion. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and the rule of law to survive, justice system and the judicial process have to be strong and every Judge must discharge his judicial functions with integrity, impartiality and intellectual honesty.

16. There is no lack of bona-fides attributed at any stage, therefore, no case is made out for interference in the collective wisdom of all the Judges as observed by the Hon''ble Supreme Court in Rajendra Singh Verma''s case (supra), wherein it has been held to the following effect:

191. Further, in case where the Full Court of the High Court recommends compulsory retirement of an officer, the High Court on the judicial side has to exercise great caution and circumspection in setting aside that order because it is a complement of all the Judges of the High Court who go into the question and it is possible that in all cases evidence would not be forthcoming about integrity doubtful of a judicial officer. As observed by this Court in High Court of High Court of Punjab and Haryana Through R.G. Vs. Ishwar Chand Jain and Another, , at times, the Full Court has to act on the collective wisdom of all the Judges and if the general reputation of an employee is not good, though there may not be any tangible material against him, he may be given compulsory retirement in public interest and judicial review of such order is permissible only on limited grounds. The reputation of being corrupt would gather thick and unchaseable clouds around the conduct of an officer and gain notoriety much faster than the smoke. Sometimes there may not be concrete or material evidence to make it part of the record. It would, therefore, be impracticable for the reporting officer or the competent controlling officer writing the confidential report to give specific instances of shortfalls, supported by evidence.

192. Normally, the adverse entry reflecting on the integrity would be based on formulations of impressions which would be the result of multiple factors simultaneously playing in the mind. Though the perceptions may differ, in the very nature of things there is a difficulty nearing an impossibility in subjecting the entries in the confidential rolls to judicial review. Sometimes, if the general reputation of an employee is not good though there may not be any tangible material against him, he may be compulsorily retired in public interest. The duty conferred on the appropriate authority to consider the question of continuance of a judicial officer beyond a particular age is an absolute one. If that authority bona fide forms an opinion that the integrity of a particular officer is doubtful, the correctness of that opinion cannot be challenged before courts. When such a constitutional function is exercised on the administrative side of the High Court, any judicial review thereon should be made only with great care and circumspection and it must be confined strictly to the parameters set by this Court in several reported decisions. When the appropriate authority forms bona fide opinion that compulsory retirement of a judicial officer is in public interest, the writ court under Article 226 or this Court under Article 32 would not interfere with the order.

17. The argument that this Court in exercise of power of judicial review should substitute the order of punishment of dismissal from service to that of compulsory retirement is again not tenable. In B.C. Chaturvedi''s case (supra), the Hon''ble Supreme Court held that the High Court while exercising its power for judicial review cannot normally substitute its own conclusion on penalty and impose some other penalty. It is only, if the punishment imposed by the Disciplinary Authority shocks the conscience of the High Court, it would appropriately mould the relief. Even the said part has been said to be not available with the Court in exercise of the powers of judicial review vested in this Court under Article 226 of the Constitution of India. The scope of power of this court in exercise of judicial review has been examined by the Supreme Court in number of cases. In Union of India (UOI) and Another Vs. K.G. Soni, , the court observed as:

14. The common thread running through in all these decisions is that the court should not interfere with the administrator''s decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Associated Provincial Picture Houses Ltd. Vs. Wednesbury Corporation, (1947) 2 All ER 680 (CA) the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in the decision-making process and not the decision.

15. To put it differently, unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigations it may, in exceptional and rare

cases, impose appropriate punishment by recording cogent reasons in support thereof. In the normal course if the punishment imposed is shockingly disproportionate, it would be appropriate to direct the disciplinary authority or the Appellate Authority to reconsider the penalty imposed.

16. The above position was recently reiterated in Damoh Panna Sagar Rural Regional Bank and Another Vs. Munna Lal Jain,

17. The High Court has not kept the correct position in view. It has not even indicated as to why the punishment was considered disproportionate and why it considered the misconduct to be not serious.

18. In Chairman and MD V.S.P. and Others Vs. Goparaju Sri Prabhakara Hari Babu, , the Hon''ble Supreme Court held that the jurisdiction of the High Court in departmental proceedings is limited. Its power to interfere with disciplinary matters is circumscribed by well-known factors. It cannot set aside a well-reasoned order only on sympathy or sentiments. Having said so, the Court observed as under:

21. Once it is found that all the procedural requirements have been complied with, the Courts would not ordinarily interfere with the quantum of punishment imposed upon a delinquent employee. The Superior Courts only in some cases may invoke the doctrine of proportionality. If the decision of an employer is found to be within the legal parameters, the jurisdiction would ordinarily not be invoked when the misconduct stands proved. [See Sangfroid Remedies Ltd. Vs. Union of India (UOI) and Others,

22. The High Court in exercise of its jurisdiction under Article 226 of the Constitution of India also cannot, on the basis of sympathy or sentiment, overturn a legal order.

19. In State of Meghalaya and Others Vs. Mecken Singh N. Marak, , the Hon''ble Supreme Court observed as under:

14. In the matter of imposition of sentence, the scope for interference is very limited and restricted to exceptional cases. The jurisdiction of the High Court, to interfere with the quantum of punishment is limited and cannot be exercised without sufficient reasons. The High Court, although has jurisdiction in appropriate case, to consider the question in regard to the quantum of punishment, but it has a limited role to play. It is now well settled that the High Courts, in exercise of powers under Article 226, do not interfere with the quantum of punishment unless there exist sufficient reasons therefor. The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review. In the impugned order of the High Court no reasons whatsoever have been indicated as to why the punishment was considered disproportionate. Failure to give reasons amounts to denial of justice. The mere statement that it is disproportionate would not suffice.

15. While considering the question of proportionality of sentence imposed on a delinquent at the conclusion of departmental enquiry, the court should also take into consideration, the mental set-up of the delinquent, the type of duty to be performed by him and similar relevant circumstances which go into the decision-making process. If the charged employee holds the position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct, in such cases has to be dealt with iron hands.

20. In Charanjit Lamba Vs. Commanding Officer, Southern Command and Others, , the Hon''ble Supreme Court observed that the quantum of punishment in disciplinary matters is something that rests primarily with the disciplinary authority. The jurisdiction of a writ Court or the Administrative Tribunal is limited to finding out whether the punishment is so outrageously disproportionate as to be suggestive of lack of good faith. The Court observed as under:

20. What is clear is that while judicially reviewing an order of punishment imposed upon a delinquent employee the Writ Court would not assume the role of an appellate authority. It would not impose a lesser punishment merely because it considers the same to be more reasonable than what the disciplinary authority has imposed. It is only in cases where the punishment is so disproportionate to the gravity of charge that no reasonable person placed in the position of the disciplinary authority could have imposed such a punishment that a Writ Court may step in to interfere with the same.

21. Keeping in view the allegations of misconduct against the petitioner, we do not find that the punishment of dismissal from service imposed upon the petitioner is outrageous disproportionate or is shocking to the conscious of this Court. In fact, the first charge-sheet was served upon the petitioner within six years of his joining the service. The order of dismissal has been passed considering the findings recorded in two separate enquiries. There are allegations of mis-conduct independent of those proceedings as well. Therefore, we do not find that the order of punishment of dismissal from service warrants any interference in exercise of writ jurisdiction of this Court. Consequently, the present writ petition is dismissed.