

[2022 LiveLaw \(SC\) 901](#)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

**M.R. SHAH; J., KRISHNA MURARI; J.**

13<sup>th</sup> OCTOBER, 2022

CIVIL APPEAL NO. 7257 OF 2022 (@ SLP (CIVIL) NO. 16535/2018)

**THE STATE OF PUNJAB versus NACHHATTAR SINGH(DEAD) THR. LR.**

**Disciplinary Proceedings - Mere non-supply of the documents which may not have resulted any prejudice caused to the employee, the order passed by the disciplinary authority cannot be set aside.**

(Arising out of impugned final judgment and order dated 10-07-2017 in RSA No. 181/1992 passed by the High Court of Punjab & Haryana at Chandigarh)

*For Petitioner(s) Ms. Rooh-e-hina Dua, AOR Mr. Harshit Khanduja, Adv. Mr. Kanishak Bunderwal, Adv.*

*For Respondent(s) Mrs. K. Sarada Devi, AOR*

**ORDER**

Leave granted.

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 10.07.2017 passed by the High Court of Punjab and Haryana at Chandigarh in Regular Second Appeal No.181 of 1992, by which the High Court has allowed the said appeal preferred by the employee and has set aside the punishment imposed by the disciplinary authority withholding four increments, the management/employer has preferred the present appeal.

Having heard learned counsel appearing for the respective parties and considering the reasoning given by the High Court, we are of the opinion that as such the impugned judgment and order passed by the High Court in exercise of powers under Section 100 of the Code of Civil Procedure, 1908 is unsustainable. From the impugned judgment and order passed by the High Court, it appears that the High Court has set aside the order passed by the disciplinary authority solely on the ground that some documents were not supplied to the delinquent. However, it is required to be noted that as such there is no finding that nonsupply of some documents has resulted into any prejudice caused to the delinquent-employee. Mere non-supply of the documents which may not have resulted any prejudice caused to the employee, the order passed by the disciplinary authority cannot be set aside.

However, at the same time, considering the nature of the misconduct and the fact that when the present appeal arising out of the special leave petition was filed, the employee has died and his legal heirs are brought on record. In the facts and circumstances of the case, we are of the opinion that the punishment of withholding of four increments can be said to be disproportionate to the misconduct proved. We are of the opinion that if instead of withholding of four increments, two increments are withheld, the same shall meet the ends of justice.

In view of the above and for the reasons stated above, the impugned judgment and order passed by the High Court is quashed and set aside. The order passed by the disciplinary authority withholding four increments is modified and substituted by withholding of two increments. The Pension/retirement benefits which is/are being paid to the widow of the deceased be recalculated and the arrears be paid to her at the earliest, but not later than eight weeks from today.

The present appeal is partly allowed to the aforesaid extent. In the facts and circumstances of the case, there shall be no order as to costs.

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

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