



2025:DHC:4520



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Decided on 28.05.2025*

+ W.P.(C) 13008/2019

RAVINDER CHOPRA

.....Petitioner

Through: Mr. Sumit Kumar, Advocate.

versus

LIFE INSURANCE CORPORATION OF INDIA THROUGH  
ITS MANAGING DIRECTOR & ORS

.....Respondents

Through: Mr. Soumyajit Pani, Mr. Aishwary  
Bajpai, Advocates.**CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****JUDGMENT**

1. By way of this writ petition under Article 226 of the Constitution, the petitioner assails an order of the Disciplinary Authority dated 07.12.2017, Appellate Authority dated 11.07.2018, and Reviewing Authority dated 03.08.2019, passed in disciplinary proceedings against him.
2. By the order of the Disciplinary Authority, a punishment of removal from service was imposed upon him, which was modified by the Appellate Authority to reduction in pay by two stages. The Reviewing Authority upheld the order of the Appellate Authority.
3. By order dated 10.12.2019 in this petition, notice was issued, limited to the question of proportionality of the punishment imposed upon



the petitioner.

4. The disciplinary proceedings against the petitioner concerned an incident of 12.06.2016. The petitioner, who was the Secretary of an Employees' Association of the respondent – Corporation, was present at a meeting with the Manager (Personnel and Industrial Relations) of the respondent [hereinafter, “the Manager”], in which he allegedly raised his voice, used aggressive and rude gestures, and was guilty of indiscipline and insubordination.

5. Prior to issuance of the charge sheet, a communication dated 12.06.2017 was addressed to the petitioner, by the Manager, in which it was stated that the petitioner had behaved aggressively and shouted at the Manager at the top of his voice, challenging various decisions taken by the divisional authorities. It was contended that the petitioner had thus created indiscipline, and he was asked to show cause as to why disciplinary action should not be initiated against him. The petitioner replied on 14.06.2017, addressed to the Senior Divisional Manager, stating that he had been informed by the Manager, that a recording of the meeting had been made by him. He requested a copy of the recording and alleged that a prejudicial approach had been adopted against him. The Divisional Manager, by a letter dated 15.06.2017, stated that there was no such recording and once again sought the petitioner's response to the allegations against him. The petitioner submitted a further response on 17.06.2017.

6. The chargesheet was thereafter issued on 05.07.2017. The relevant



extracts thereof read as follows:

*“That on 12.06.2017, you came to the chamber of Manager (P&IR) at around 03:30PM while there was some discussion being held with Manager (OS) and AO (P&IR) on certain official issues and you started making false allegations against the Divisional Authorities on issues of transfer and promotion orders practising policies of discrimination and favouritism and advisory issued regarding observance of Ground Rules of the Corporation in the Division, seeking an immediate solution unrealistically . **During the Course of making such allegations, you raised your voice to such extent that is unbecoming of an employee of the Corporation. The tone and tenor of your voice was discourteous all throughout the interaction with the Manager (P&IR) on the day despite repeated requests to be polite while putting forth your views. Thus, you created indiscipline in the Office by challenging the Authority in addition to being rude which is detrimental to smooth working of the Office, thereby failing to show due courtesy in official transaction infringing office decorum and to promote Corporation's interest.***

*By your aforesaid acts, you failed to maintain absolute integrity and devotion to duty, failed to serve the Corporation honestly and faithfully, knowingly indulged in acts detrimental to the interest of the Corporation and prejudicial to good conduct, thereby violating the provisions of Regulations 21 and 24 read with 39(1) of the aforesaid (Staff) Regulations 1960, for which any one or more of the penalties specified under. Regulation 39 (1) (a) to (g) may be imposed on you.*

*However, before I proceed further in the matter, you are hereby directed to state in writing within a period of 10 days from date of receipt of this Charge-Sheet as to whether you admit the charge mentioned above. In case, you admit the charge, a statement of admission and in the event of your denying the charge, a statement of denial together with list of documents by which and a list of witnesses through whom you propose to defend your case may be submitted to the undersigned within a period stipulated hereinabove.”<sup>1</sup>*

7. The petitioner replied to the charge sheet on 15.07.2017, describing himself as Divisional Secretary of the Life Insurance Employees

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<sup>1</sup> Emphasis Supplied.



Association Delhi Division – III, Janakpuri. He denied the allegation of indiscipline and misconduct. Instead, he stated that he had been called by the Manager, alongwith the President of the said Association. A meeting was convened with regard to an agenda dated 02.06.2017, relating to various issues of concern to the employees. According to the petitioner, the management failed to deal with any of the employees’ grievances, and instead indulged in harassment, contrary to the petitioner’s rights as an office bearer of a registered trade union.

8. An Inquiry Officer was thereafter appointed, who submitted a report dated 25.10.2017. The evidence of the Manager [PW-1] was that the petitioner had participated in the meeting held on 12.06.2017 in his chamber, which went on for 20-25 minutes, wherein he adopted a very high tone, aggressive behaviour and gestures, which were not expected from an employee. The witness recounted the instance, and stated that he felt insulted and humiliated. The witness was cross-examined by the petitioner, in which he reiterated that the petitioner was speaking in a loud and agitated voice with objectionable gestures.

9. The Inquiry Officer also examined two other employees who were present in the said meeting, namely Shri B.B. Sarkar and Ms. Rashmi Pradhan. Shri B.B. Sarkar gave evidence that the petitioner had become aggressive, that his voice was loud, vitiating office decorum, and he further stated that it was insulting to the Manager. In cross-examination, he clarified that the petitioner used gestures, including standing up from his own seat and pointing a finger towards the Manager.



10. The third witness of the management also testified that the petitioner's voice and gestures were very aggressive, including raising his finger towards the Manager and standing up in excitement.

11. The petitioner was also examined, and cross-examined by the Presenting Officer, in which he maintained his position.

12. The Inquiry Officer upon consideration of the evidence submitted the report dated 25.10.2017, with his conclusions recorded as follows:

*“As per the reports of the PO, it is rightly observed that CSE created indiscipline in the office. In addition to being rude which is detrimental to the smooth working of the Organization, (Refer page no 5, 6 & 7 of PO written brief dated 05.10.2017). The PO has very clearly mentioned in the written brief that CSE raised the issues of transfer and promotion during the discussions with manager (P&IR) and CSE not only could not adduce any evidence regarding the statements made by him but also avoided answering the questions raised by PO to him in Cross examination. This goes to show on the basis of preponderance of probability that CSE only used the harsh word like "because I am a member of a Union and I represent a certain group of people and his voice was loud while uttering this. I talk in this manner with others also. I am stakeholder, I will ask you the questions in my own way and this is my style way of putting forth my issues. Sir, the gestures were also very objectionable, insulting and humiliating that too in the presence of other officials. He also told me that “कल आपको आपकी पोस्ट चेंज होने के बाद में कोई भी नहीं पूछेगा””*

13. The petitioner was, therefore, served with a further show cause notice dated 15.11.2017, proposing imposition of the penalty of removal upon him. In the petitioner's reply dated 25.11.2017, he reiterated that he attended the meeting in question as a representative of the employees' association, and also suggested that the proceedings had been initiated against him as a consequence of his advocacy on behalf of the employees. He raised allegations with regard to evidence of the management



witnesses, as also against the Inquiry Officer on grounds of bias and procedural violations.

14. The disciplinary proceedings concluded with an order dated 07.12.2017, whereby each of the petitioner's contentions were rejected, and he was awarded the major penalty of removal from service. As the adjudication in this writ petition is limited to the question of proportionality of the punishment involved, the factual findings in the disciplinary order, which have been affirmed by the Appellate Authority, alone require consideration; the arguments of procedural violations are of little relevance. As far as the factual findings are concerned, the Disciplinary Authority found as follows:

- A. The charges against the petitioner related to his "*discourteous behavior*" on 12.06.2017 in the chamber of the Manager during the meeting. The meeting should have occurred in a cordial manner, but was vitiated by discourteous behavior of the petitioner as spelt out in the chargesheet dated 05.07.2017.
- B. The Disciplinary Authority rejected the petitioner's submissions, with regard to the evidence of the management witnesses, including the discourtesy of the petitioner.
- C. The petitioner argued that other people who were in the vicinity would have heard the petitioner's loud and aggressive voice if the allegations against him were true, but had not been called as witnesses. This contention was rejected on the ground that the petitioner could have called them as defence witnesses.



D. The findings of the Inquiry Officer have been accepted as “*well reasoned*”, and based upon analysis of the evidence.

E. The charge of discourteous behavior against the petitioner was tantamount to indiscipline in office premises, and was not trifling in nature as alleged by the petitioner, but was an act of misconduct by infringing office decorum.

15. The petitioner filed an appeal before the Appellate Authority, which resulted in a modification of the punishment imposed upon him. The Appellate Authority affirmed the findings of the Disciplinary Authority on facts, but found that the penalty of removal of service imposed upon him was disproportionate. It was, therefore, replaced with the penalty of reduction by two stages in the time scale of pay applicable to his cadre.

16. The matter was carried to the Chairman, LIC, by way of a memorial submitted by the petitioner, but the findings and order of the Appellate Authority were affirmed, leading to institution of the present proceedings.

17. I have heard Mr. Sumit Kumar, learned counsel for the petitioner, and Mr. Soumyajit Pani, learned counsel for the respondents, on the question of quantum of penalty.

18. The determination of whether a penalty imposed upon an employee is disproportionate to the charges found against him, has been considered by the Supreme Court *inter alia* in *B.C. Chaturvedi v. Union of India*<sup>2</sup>. The law has been summarised thus:

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<sup>2</sup> (1995) 6 SCC 749.



“18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. **The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.**”<sup>3</sup>

19. The aforesaid judgment has been followed in several later authorities, including *Chairman-cum-Managing Director, Coal India Ltd. v. Mukul Kumar Choudhuri*<sup>4</sup>. The Court emphasised the applicability of the doctrine of proportionality to service jurisprudence, in the following terms:

“19 The doctrine of proportionality is, thus, well-recognised concept of judicial review in our jurisprudence. **What is otherwise within the discretionary domain and sole power of the decision-maker to quantify punishment once the charge of misconduct stands proved, such discretionary power is exposed to judicial intervention if exercised in a manner which is out of proportion to the fault. Award of punishment which is grossly in excess to the allegations cannot claim immunity and remains open for interference under limited scope of judicial review.**

20. One of the tests to be applied while dealing with the question of quantum of punishment would be: **would any reasonable employer have imposed such punishment in like circumstances?** Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant

<sup>3</sup> Emphasis supplied.

<sup>4</sup> (2009) 15 SCC 620 [hereinafter “Coal India”].



*circumstances and exclude irrelevant matters before imposing punishment.”<sup>5</sup>*

20. In *Kendriya Vidyalaya Sangthan v. J. Hussain*<sup>6</sup>, the applicable tests have been formulated as follows:

*“8. The order of the appellate authority while having a relook at the case would, obviously, examine as to whether the punishment imposed by the disciplinary authority is reasonable or not. If the appellate authority is of the opinion that the case warrants lesser penalty, it can reduce the penalty so imposed by the disciplinary authority. Such a power which vests with the appellate authority departmentally is ordinarily not available to the court or a tribunal. The court while undertaking judicial review of the matter is not supposed to substitute its own opinion on reappraisal of facts. (See *UT of Dadra & Nagar Haveli v. Gulabhia M. Lad* [(2010) 5 SCC 775 : (2010) 2 SCC (L&S) 101].) **In exercise of power of judicial review, however, the court can interfere with the punishment imposed when it is found to be totally irrational or is outrageous in defiance of logic.** This limited scope of judicial review is permissible and interference is available **only when the punishment is shockingly disproportionate, suggesting lack of good faith.** Otherwise, merely because in the opinion of the court lesser punishment would have been more appropriate, cannot be a ground to interfere with the discretion of the departmental authorities.”<sup>7</sup>*

21. In order to apply these principles to the present case, the question before the Court being only one of quantum of punishment, I proceed on the basis that the respondents were right in their factual findings against the petitioner. The nature of the charges against the petitioner, which have been held to be proved, must be examined *vis-a-vis* the penalty imposed upon him. The relevant extracts of the chargesheet have been reproduced

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<sup>5</sup> Emphasis supplied.

<sup>6</sup> (2013) 10 SCC 106.

<sup>7</sup> Emphasis supplied.



in paragraph 3 hereinabove. They show that the allegation against the petitioner was that he raised his voice during the meeting, to an extent unbecoming an employee of the respondent, and that the tone and tenor of his voice was discourteous, resulting in office indiscipline, challenge to authority rudeness and discourtesy. The punishment, on the other hand, was of a reduction of two stages of pay.

22. The Life Insurance Corporation of India (Staff) Regulations, 1960 [“Staff Regulation, 1960”], in Regulation 39(1), provide the following possible penalties, which may be imposed upon an employee:

*“39. (1) Without prejudice to the provisions of other regulations, [any one or more of]\* the following penalties for good and sufficient reasons, and as hereinafter provided, be imposed (by the disciplinary authority specified in Schedule-I)\* on an employee who commits a breach of regulations of the Corporation, or who display negligence, inefficiency or indolence or who knowingly does anything detrimental to the interest of the Corporation, or conflicting with the instructions or who commits a breach of discipline, or is guilty of any other act prejudicial to good conduct -*

*(a) Censure;*

*\*(b) Withholding of one or more increments either permanently or for a specified period;*

*(c) recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of order;*

*(d) reduction to a lower service, or post, or to a lower time scale, or to a lower stage in a time-scale;*

*(e) compulsory retirement;*

*(f) removal from service which shall not be a disqualification for future employment;*

*(g) dismissal.”*

23. Learned counsel for the parties clarified that the punishment which has been imposed upon the petitioner is under Regulation 39(1)(d), and



that the effect of the punishment was that the petitioner's pay would remain reduced by two stages perennially, i.e. his pay would always remain at two stages below what would have been in the absence of punishment. This is not a case of a temporary reduction of pay, with restoration of his original pay at some point.

24. The petitioner has served as an employee of the respondent for over thirty years and the subject case was the first chargesheet against him<sup>8</sup>. While the respondents' contention that all employees, including trade union or employees' association leaders, are bound to follow office discipline, is no doubt correct, I am of the view that the penalty imposed upon him is grossly disproportionate. The allegation is at best of discourtesy and insubordination, that too in one single meeting of about twenty-five minutes. I find it difficult to appreciate that use of loud and aggressive tones and gestures, without more could result in a reduction in the petitioner's pay for the rest of his service period, and indeed presumably in his retiral benefits as well.

25. The Appellate Authority rightly found that the original order of removal from service imposed by the Disciplinary Authority was wholly inappropriate and illegal but, in my view, replaced it with another disproportionate punishment, *albeit* less severe than the original punishment. It may be noted that the petitioner was removed from service pursuant to the order of the Disciplinary Authority and was reinstated

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<sup>8</sup> I was informed in the course of hearing that a subsequent chargesheet had been issued to him, but was subsequently dropped.



approximately seven months later by the order the Appellate Authority. The entire period during which the petitioner was wrongly removed from service has been treated as *dies-non*, for which he was deprived of salary altogether<sup>9</sup>.

26. The regulations extracted above provide several less severe alternatives, including for example, withholding of one or more increments either permanently or for a specified period, but the respondents have chosen to impose a permanent reduction in the petitioner's emoluments. I am of the view that such a decision falls foul of the principle of proportionality, even on the high threshold that no reasonable employer would have imposed such a punishment for the charges levelled against him. The punishment does not satisfy the test of proportionality, as several lesser penalties were available to the respondents under the regulations.

27. In the present case, the penalty imposed by the Disciplinary Authority has already been set aside by the Appellate Authority. What is required, therefore, is to set aside the order of the Appellate Authority to the extent of the modified punishment imposed upon the petitioner, as also the order of the Reviewing Authority. It is so ordered. The proceedings are remanded to the Appellate Authority, limited to reconsideration of appropriate punishment to be imposed upon the petitioner in terms of the Staff Regulations, 1960.

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<sup>9</sup> Letter dated 30.07.2018, annexed as Annexure P21.



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28. The writ petition is disposed of with these directions, but with no order as to costs.

**PRATEEK JALAN, J**

**MAY 28, 2025**  
*'Bhupi'/kb/*