



CWP-6990-2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-6990-2025

Date of Decision: 07.05.2025

Satish Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Mohan Singla, Advocate for the petitioner

Mr. Raman Sharma, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 30.12.2021 (Annexure P-7) whereby he was awarded punishment of Censure. He is further seeking direction to respondent to grant him ante-dated promotion to the rank of Sub-Inspector.

2. The petitioner is part of Haryana Police Force and at present is holding rank of Sub-Inspector. He vide order dated 30.12.2021 was awarded punishment of Censure on account of negligence in duty during the course of Night Domination on the intervening night of 19/20.08.2021. He was promoted to the rank of Sub-Inspector w.e.f. 15.09.2022 instead of 25.01.2022.



3. Mr. Mohan Singla, Advocate appeared and filed his Power of Attorney on behalf of the petitioner. The same is taken on record. Registry is directed to tag the same at an appropriate place.

4. The petitioner claims that there is no adverse entry *qua* integrity in last 10 years' Annual Confidential Reports (ACRs), thus, he could not be denied promotion to the rank of Sub-Inspector on account of punishment of Censure.

5. This Court vide order dated 08.08.2022 passed in ***CWP No.5915 of 2022, Kuldeep v. State of Haryana and others*** and order dated 06.12.2023 passed in ***LPA No.1124 of 2022, State of Haryana and others v. HC Kuldeep and another*** has ordered to grant promotion which was delayed/denied on the ground of punishment of Censure.

6. On being confronted with order dated 08.08.2022 passed by this Court in ***CWP No.5915 of 2022*** and order dated 06.12.2023 passed in ***LPA No.1124 of 2022***, Mr. Raman Sharma, Additional Advocate General Haryana submits that Director General of Police has issued instruction dated 25.04.2024 whereby it has been clarified that promotion in case of punishment of Censure would be deferred for six months, however, it would not affect seniority. He has further clarified that clarification is prospective and subject to outcome of ***LPA No.179 of 2020*** which is pending before a Division Bench of this Court. The petitioner was promoted on the expiry of period of Censure. He cannot claim seniority in terms of aforesaid clarification because it is prospective in nature.

7. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.



8. Relevant excerpts of clarification dated 25.04.2024 are reproduced as under: –

“Subject: - Impact of punishment of Censure.

Memo

Please refer on the subject noted above.

2. *‘Censure’ is a minor punishment as per Rule 16.1 of Punjab Police Rules, 1934. Further, as per Rule 13.8-A of PPR, case of a police personnel can be considered for promotion only after six months of continuous good conduct of inflicting punishment of ‘Censure’.*

3. *Per contra, as per Haryana Civil Service Rules, punishment of ‘Censure’ is considered a minor punishment and has no impact on promotion of employees of other departments in the State in view of Chief Secretary, Haryana, instruction No.3508-4 GS-1-73/18540, dated 19.07.1973.*

4. *The Hon’ble High Court in Civil Writ Petition No.20988 of 2018 of Smt. Sarmila Vs. State of Haryana and others has decided vide judgment/order dated 23.07.2019 that there should be no impact of punishment of ‘Censure’ on promotion of the petitioner. However, the State/Department moved for LPA No. 719 of 2020 titled as State of Haryana and others V/s Sharmila against the above mentioned judgment/order which is fixed for hearing on 11.07.2024 before the Hon’ble High Court.*

5. *in view of above, it is informed that in case promotion of a police official is delayed by 6 months due to punishment of ‘Censure’, he/she be granted ante dated seniority as if punishment of ‘Censure’ had not been awarded, once he/she is promoted after completion of currency of punishment of ‘Censure’. It is further clarified that above instructions would not have retrospective effect and the same are subject to the decision of the Hon’ble Punjab and Haryana High Court in LPA No.179 of 2020 titled as State of Haryana and others V/s Sharmila and any further appeal if filed by the State/Department.”*



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9. The respondent has conceded that in terms of letter dated 19.07.1973 of Chief Secretary, Haryana, minor punishment does not impact promotion of employees. The punishment of Censure is a minor punishment as per Rule 16.1 of PPR. Learned Single Judge of this Court has already held that punishment of Censure would not affect promotion of a police officer. The clarification in certain circumstances may be prospective in nature, however, in the normal course it is retrospective. The Court is supposed to look at contents, colour and contour of the clarification. The clarification is issued pursuant to judgment passed by this Court. The judgment of learned Single Judge of this Court has not been set aside by any Appellate Court, thus, it is binding upon the respondent.

10. Considering the afore-cited judgments of this Court as well as clarification issued by Director General of Police, it is hereby held that the petitioner would be entitled to seniority on the promotional post and his punishment of Censure would not affect his promotion.

11. It is hereby made clear that petitioner has already been promoted, thus, he would not claim differential amount of salary.

12. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

07.05.2025

Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No