



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

**CWP No.24419 of 2025
Date of Decision: 22.08.2025**

SI Vinod Kumar

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S.Gopera, Advocate
for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G., 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 communication dated 13.03.2025 (Annexure P-22) whereby respondent has rejected his claim for deemed date of promotion as Inspector.

2. The petitioner was enrolled as Constable on 01.11.1991. He was promoted as Head Constable on 04.08.2006. He was further promoted as Assistant Sub Inspector on 27.11.2014 and Sub Inspector on 26.07.2024. The respondent initiated departmental proceedings against him alleging misconduct while investigating case of FIR No.239 dated 30.07.2017, under Sections 420, 467, 468, 471, 473 and 120-B of IPC and 61/1/14 of Excise Act, 1944, registered at Police Station, Pinjore, Panchkula. The Enquiry



Officer found him guilty. The Disciplinary Authority issued him show cause notice dated 28.01.2021 proposing punishment of stoppage of ten future annual increments with permanent effect. He filed reply to show cause notice. He was awarded punishment of stoppage of four future annual increments with permanent effect vide order dated 24.02.2021. He preferred an appeal which was partially allowed. The punishment was reduced to stoppage of two future annual increments with permanent effect. He further preferred revision which was rejected vide order dated 29.04.2022 passed by Director General of Police, Haryana. He preferred mercy appeal before Government which was partially accepted vide order dated 01.07.2024 and punishment of stoppage of two future annual increments with permanent effect was substituted for stoppage of two future annual increments with temporary effect.

The respondent besides aforesaid departmental proceedings initiated another inquiry against the petitioner alleging lapse in investigating case of FIR No.189 dated 20.10.2021, under Sections 452, 354, 379A, 506 of IPC, registered at Police Station, Kalka, District Panchkula. He was issued show cause notice dated 13.04.2022 proposing punishment of stoppage of four annual increments with cumulative effect. He filed reply to show cause notice and was awarded punishment of stoppage of two annual increments with cumulative effect vide order dated 28.04.2022. He unsuccessfully preferred appeal before Appellate Authority. He further preferred revision before Director General of Police, Haryana who reduced quantum of punishment. The punishment of stoppage of two annual increments with cumulative effect was substituted for stoppage of one



annual increment with cumulative effect. He preferred mercy appeal before the State Government. The said appeal came to be partially allowed vide order dated 01.07.2024. The punishment was reduced to stoppage of one increment with temporary effect.

The petitioner was also issued show cause notice dated 08.01.2021 proposing punishment of stoppage of two future annual increments with temporary effect. He vide order dated 12.02.2021 was awarded punishment of censure.

3. Mr. G.S.Gopera, Advocate submits that despite punishment of forfeiture of increments, the petitioner can be promoted because awarded punishment was minor. He was not awarded punishment of stoppage of increment with cumulative effect whereas he was awarded punishment of stoppage of increments with temporary effect. On one occasion he was awarded punishment of censure. This Court has repeatedly held that promotion cannot be denied on the ground of punishment of censure.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. From the perusal of record, it is evident that petitioner besides punishment of censure was awarded punishment of stoppage of three increments vide two different final orders. By first order, he was awarded punishment of stoppage of two increments with temporary effect and by second order one increment with temporary effect. He was not promoted during the currency of punishment. There are judgments to the effect that promotion can be made during the currency of censure, however, there is no



judgment which permits promotion during the currency of stoppage of increments.

6. The State Government has issued Instructions dated 31.05.2006 whereby it has been made clear that no promotion shall be made during the currency of punishment of stoppage of increments. The said instructions are based upon judgment of Hon'ble Supreme Court in ***State of Tamilnadu vs. Thiru K.S.Muragesan and others, 1995 (3) RSJ 271***. The instructions dated 31.05.2006, read as:-

“Subject: Regarding consideration of promotion during the currency of stoppage of increments.

Sir,

I am directed to refer to the subject noted above and to invite your attention to para-2 of the Haryana Government instructions issued vide letter No.3508-4GSI-1-73/18540, dated 19.7.73 which inter-alia provide that if an employee has been awarded punishment of stoppage of one or more grade increments and his turn comes up for promotion during the currency of stoppage of his grade increment(s), the decision for his eligibility for promotion otherwise should be taken keeping in view his overall record and he should be considered fit or promotion if his over all record makes him eligible for promotion notwithstanding the fact that the punishment awarded to him becomes ineffective on his promotion.

2. *In a judgment of the Hon'ble Supreme Court in the case of State of Tamilnadu Versus Thiru K.S. Muragesan & others (C.A. Nos.3432-33 of 1995) decided on 28.2.1995, reported as 1995(3)RSJ 271, this Hon'ble Court has held that:-*

".....Unless the period of punishment gets expired by efflux of time, the claim for



consideration during the said period cannot be taken up, otherwise, it would amount to retrospective promotion which is impermissible under the Rules and it would be a premium on misconduct. Doctrine of double jeopardy has no application and non-consideration is neither violative of Article 21 nor Article 14 read with Article 16 of the Constitution....."

3. *The State Government has considered the matter in the light of aforesaid judgment and it has been decided that no promotion should be allowed to any employee during the currency of punishment of stoppage of his grade increment(s). The instructions issued vide letter No.6034-2GSI-71/32498, dated 18.11.71 and No.3508-4GSI-1-73/18540, dated 2.7.75 all stand modified to the extent indicated above.*

These instructions may be brought to the notice of all concerned for their information and strict compliance."

7. Rule 13.1 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short "PPR") provides that promotions shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing selection. The relevant extracts of Rule 13.1 read as: -

"13.1 Promotion from one rank of another

(1) Promotion from one rank to another, and from one grade to another in the same rank, one grade to another in the same rank, shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or case. When the



qualifications of two officers are otherwise equal, the Senior shall be promoted. This rule does not affect increment within a time-scale.

(2) Under the present constitution of the Police force no lower subordinate will ordinarily be entrusted with the independent conduct of investigations or the independent charge of a police station or similar unit. It is necessary, therefore, that well-educated constables, having the attributes necessary for bearing the responsibilities of upper subordinate rank, should receive accelerated promotion so as to reach that rank as soon as they have passed the courses prescribed for, and been tested and given practical training in, the ranks of constable and head constable.

XXXX XXXX XXXX XXXX”

8. From the reading of Rule 13.1 PPR, it is evident that efficiency and honesty are main factors governing promotion. The petitioner was facing punishment of stoppage of three increments, thus, he could not claim promotion from the date his juniors were promoted. It would be award to misconduct if he is promoted with those officers who are having unblemished record.

9. In the wake of above discussion and findings, this Court is of the considered opinion that respondent has rightly rejected claim of petitioner qua promotion. The present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

22.08.2025
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	