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

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**CWP-9835-2023 (O&M).
Date of Decision: 07.07.2025.**

OM PARKASH GODARA

... Petitioner(s)

Versus

THE STATE OF HARYANA AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Vivek Singla, Advocate,
for the petitioner.

Mr. Rahul Dev, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking setting aside of the order dated 13.12.2022 (Annexure P-11) declining the request for release of selection grade and further praying for a direction to the respondents to grant the selection grade of Rs.1000-325-1390 with effect from 17.12.1999, the instant writ petition has been filed.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner was working as a Naib Tehsildar since 1982 and he eventually superannuated on 31.10.2016 from the post of District Revenue Officer, Jhajjar. He submits that the State Government revised the pay scales of Haryana Government employees under the Haryana Civil Services (Revised Pay) Rules,

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1998, whereunder the selection grade of Rs.10000–13900 was provided for the cadre of Tehsildars to the extent of 20% of the sanctioned posts. It is submitted that a charge sheet dated 03.11.1995 was served upon the petitioner, which culminated in imposition of punishment of the stoppage of one increment without cumulative effect. The said punishment, being minor in nature, did not debar the petitioner from consideration for the grant of selection grade. It is further submitted that another charge sheet was served upon the petitioner under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 on 28.10.1998, which was eventually filed by the respondent authorities after due consideration since charges were not proved.

3 Counsel further contends that the Government of Haryana issued instructions dated 12.03.1981 prescribing the procedure to be followed in cases where the turn of an official, whose conduct is the subject matter of inquiry, comes for promotion to a higher post. The relevant extract thereof reads thus: -

“Subject:- Procedure to be followed in cases where the turn of an official whose conduct is the subject of inquiry comes for promotion to higher post.

Sir,

I am directed to invite a reference to Haryana Government circular letter No. 6034-2GSI-71/32498, dated 18-11-71 on the subject noted above and to state that the question of grant of selection grade to a Government servant against whom disciplinary action is under contemplation/pending or where representation against adverse remarks in the Confidential Report is pending has been under consideration of the Government for some time past. After careful consideration

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it has been decided that in the aforesaid circumstances the question of grant of selection grade to such a Government servant should be deferred till a final decision has been arrived at in the matter of disciplinary proceedings or on the representation made against adverse remarks in the Confidential Report, While deferring the case, a post of selection grade should be reserved for such a Government servant. The case should however, be reconsidered for grant of selection grade on the finalisation of the disciplinary proceedings or a decision on the representation against adverse remarks in the Confidential Report. If the Government servant concerned is ultimately exonerated of the charges or the adverse remarks in the Confidential Report are expunged or toned down to such an extent as do not stand in the way of his promotion, then he should be considered for grant of selection grade on me basis of record with retrospective effect i.e. from the date on which he was due for selection grade.

2. It is requested that the above instructions may be brought to the notice of all concerned for strict compliance. The receipt of this communication may please be acknowledged.”

(emphasis supplied)

4 Referring to the above, learned counsel for the petitioner contends that the petitioner was even granted current duty charge to the post of District Revenue Officer since the year 2011 and was promoted to the said post on 12.03.2015. He eventually superannuated on 31.05.2016. A vehement argument is thus raised that, since the disciplinary proceedings did not stand in the way of the petitioner's promotion to the next higher post, he ought to have been considered for the grant of selection grade as well. It is further submitted that

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the disciplinary proceedings initiated against the petitioner ought to be construed as having been substantially toned down consequent upon his eventual promotion.

5 Learned State counsel, on the other hand, contends that the claim of the petitioner is misconceived. It is submitted that in addition to the two proceedings referred to by the petitioner, another charge sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, was also served upon the petitioner vide memorandum dated 04.02.2009. The departmental inquiry concluded with the charges having been proved against the petitioner, whereupon the punishment of stoppage of one annual increment with cumulative effect was imposed upon him vide order dated 13.06.2013. The request of the petitioner for the grant of selection grade w.e.f. 17.12.1999 was considered in light of the instructions dated 12.03.1981, and since the petitioner was not exonerated in the departmental proceedings, he was held not eligible for the grant of selection grade as of 17.12.1999. It is further submitted that the provision relating to the grant of selection grade to Group B officers had been replaced by the Assured Career Progression (ACP) scheme introduced under the 6th Pay Commission, which came into effect from 01.01.2006. Therefore, the petitioner became ineligible later on for the grant of selection grade, and his representation was thus rightly rejected by the respondents vide order dated 13.12.2022. It is further argued that the present writ petition has been filed on a misinterpretation of the instructions issued by the Government of Haryana.

6 I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

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7 Even though an arduous effort has been made on behalf of the petitioner to contend that the disciplinary proceedings initiated against him and the punishments imposed ought to be treated as having been substantially toned down in view of the subsequent development and his promotion to the post of District Revenue Officer, thus entitling him to the grant of selection grade, I am of the considered opinion that the aforesaid argument is premised upon a misreading of the instructions. A careful reading of the said instructions reveals that they contemplate two distinct circumstances: firstly, where disciplinary proceedings have been initiated or are proposed to be initiated; and secondly, where an adverse remark has been recorded in the confidential report of an employee.

8 Insofar as an employee against whom disciplinary proceedings have attained finality is concerned, the entitlement to claim the selection grade accrues only when the Government employee has been exonerated of the charge. In relation to employees against whom an adverse entry has been made in the Annual Confidential Report (ACR), the entitlement to claim selection grade accrues where such adverse remark has either been expunged or sufficiently toned down so as not to stand in the way of his promotion. The expression "toning down" has been used only in the context of an adverse remark recorded in the confidential report and is not relatable to disciplinary proceedings that have been finalized. The only eventuality where an employee could claim the selection grade upon culmination of disciplinary proceedings is where such proceedings have resulted in his exoneration from the charges levelled against him.

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9 I find that the tenor of the instructions dated 12.03.1981 is unambiguous and is absolutely clear leaving no scope for reading into the said instructions, the interpretation as has been proposed.

10 The writ petition is accordingly dismissed.

July 07, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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