



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Special Appeal No.171 of 2026
28th July, 2026

Kanhaiya Kumar Singh

-----Appellant

Versus

Union of India and Others

----Respondents

Presence:-

Dr. K.H. Gupta, Ms. Irum Zeba and Mr. Rafat Munir Ali, learned counsel for the appellant.

Mr. Narendra Bali, learned Standing Counsel for the Union of India/ respondent no.1 to 5.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.
2. The present intra-court appeal is directed against the order of learned Single Judge dated 05.05.2026 whereby WPSS No.369 of 2020, challenging the denial of promotion to the appellant, has been dismissed.
3. The appellant is holding the post of Assistant Sub-Inspector (Steno) in Central Industrial Security Force (CISF). In the promotional exercise held in the year 2019 for promotion to the post of Sub-Inspector (Steno), the appellant was denied promotion. Being aggrieved thereby he filed the writ petition praying for the following relief:



“i. A writ order or direction in the nature of mandamus directing the respondent authorities to provide the petitioner break-up details and his marks in departmental promotion committee held vide letter dated 20.09.2018.

ii. A writ order or direction in the nature of certiorari calling for records and quash the impugned promotion order dated 22.08.2019.

iii. A writ order or direction in the nature of mandamus directing respondents to add/give 55 marks for the annual performance appraisal reports (APARs) into his total marks of DPC and duly promote the petitioner from due promotion date 22.08.2019.

iv. Writ order or directing in the nature of mandamus directing the respondents to give all consequential benefits of promotion from the due promotion date 22.08.2019.”

4. It is an admitted position that the appellant was awarded two minor punishments, first on 04.06.2015 whereby a fine equivalent to five days' pay was imposed upon the petitioner and the second on 24.07.2018 whereby once again fine equivalent to 7 days' pay was imposed upon him.

5. The case of the appellant was that in terms of Annual Performance Appraisal Report (APAR) his score was 55, therefore, he could not have been denied promotion.

6. For the promotion exercise held in 2019, the Directorate General, Central Industrial Security Force (Ministry of Home Affairs), by a Circular dated 17.09.2018, prescribed the eligibility criteria and the zone of consideration.

7. In respect of a candidate who had been inflicted with punishment the guidelines stipulate as follows:



ii) **PUNISHMENTS:**

The personnel who are considered for promotion-

(a) **Should not have any major punishment in last 5 years.**

(b) His/Her last ACR/APAR should not be Below Average or Average.

(c) **Should not have two (or more) minor punishments in last 5 years.**

(d) Should not have two major punishments in the last ten years.

(e) **Should not have a total of five (or more) minor and major punishments in the last 10 years.**

(f) **The personnel having one minor punishment (in last 5 years) would be considered for promotion but five marks will be deducted for the minor punishment.”**

8. It appears that before learned Single Judge reliance was placed on Clause ‘(f)’ of the Circular dated 17.09.2018 in contending that since the appellant was inflicted two minor punishments, therefore, five marks were liable to be deducted for each minor punishment. Upon such deductions being made, the appellant failed to secure the minimum marks required for promotion.

9. The aforesaid submission of learned counsel for the respondents found favour with the learned Single Judge and, accordingly, writ petition has been dismissed.

10. Learned counsel for the appellant submits that once the appellant had undergone the punishments imposed upon him, the same could not have been taken into consideration while considering his candidature for promotion.

11. In support of the submission, he places reliance



on the judgment of Chhattisgarh High Court in WPS No.6115 of 2016 **2024 CGHC: 45656, Firan Das Sahu Vs. State of Chhattisgarh.**

12. In the said case, the employee had been awarded the minor punishment of stoppage of one annual increment with non-cumulative effect. The punishment remained in operation from 01.07.2013 to 30.06.2014. The promotional exercise was subsequently held in the year 2016. However, the employee was denied promotion on account of the minor punishment.

13. The High Court, relying on the judgment of the Supreme Court in **Shiv Kumar Sharma Vs. Haryana State Electricity Board, Chandigarh and Others [AIR 1988 SC 1673]**, held that since the punishment of stoppage of increment had ceased to operate on 30.06.2014, it had no subsisting effect on the date on which the employee was considered for promotion i.e. 21.01.2016.

14. In the said case, admittedly, there was no provision requiring deducting of any marks from those awarded on the basis of APAR grading on the account of any punishment as in the instant case.

15. It is in the aforesaid factual background that effect of stoppage of one annual increment was considered. In that context, it was held that once the



punishment had exhausted itself, it was not an impediment in considering the candidature of the employee for promotion.

16. However, the present case stands on an entirely different footing. As noted above, Clause '(c)' specifically provides that a candidate should not have suffered two or more minor punishments in last five years. Admittedly, the petitioner had two minor punishments in the last five years. The validity of Clause '(c)' was not challenged in the writ petition. Further, as per Clause '(f)' five marks were liable to be deducted for each minor punishment and the said provision, when applied, disentitled the petitioner to any promotion.

17. In such view of the matter, the judgment cited by learned counsel for the appellant would not apply to the facts of the instant case. We, thus, find no illegality in the view taken by the learned Single Judge.

18. The appeal lacks merit and is, accordingly, dismissed.

19. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 28.07.2026
SS