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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010650702005

+ **W.P.(C) 12473/2005**

ADDITIONAL COMMISSIONER OF POLICE Petitioner

Through: **Mr. Jaswinder Singh, Special
Panel Counsel.**

versus

RAM CHHABILLA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

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05.08.2026

C. HARI SHANKAR, J.

1. This writ petition, at the instance of the Additional Commissioner of Police, assails order dated 25 September 2002 passed by the Central Administrative Tribunal¹ in OA 1112/2001.

2. The respondent Ram Chhabilla was working as Head Constable in the Delhi Police. Disciplinary proceedings were initiated against him on the ground that an under trial prisoner escaped when he was being transported from Sonapat to the District Jail under his watch and ward. The disciplinary proceedings culminated in an order of punishment of forfeiture of three years approved service permanently for a period of five years. In appeal, the Additional Commissioner of



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Police reduced the punishment to one year's forfeiture of approved service permanently for three years. It was further directed that, on expiry of the period of punishment, the punishment would have the effect of postponing his future increments of pay.

3. The operative paragraph of the order of the Additional Commissioner, in appeal, read thus:

“Keeping in view the mitigating factor and the fact that there was no connivance or dishonest intention on the part of the escort party and fairly clean service record, I reduce the punishment from forfeiture of three years approved service permanently for a period of five years to that of forfeiture of one year's approved service permanently for a period of three years entailing proportionate reduction in his pay from Rs.4305/- P.M. to Rs.4220/- P.M. in the time scale of Rs.3200-65-4900/- with immediate effect. He will not earn increment of pay during the period of reduction and on the expiry of this period the reduction will have the effect of postponing his future increment of pay. The suspension period of the appellant mentioned above is also treated as not spent on duty for all intents and purposes.”

4. Following the implementation of the aforesaid punishment, the name of the respondent was removed from the D-List, which was a list of persons who were due for promotion to the next higher rank.

5. The respondent challenged the punishment awarded to him, as well as the removal of his name from the D-List. It was submitted that the punishment awarded to the respondent was not sustainable as the appellate authority had held that there was no connivance or dishonest intention on his part. The removal of his name from the D-List was assailed as amounting to a second punishment without holding an



inquiry which, therefore, infringed Article 311(2)² of the Constitution of India.

6. The Tribunal has, in its order under challenge, rejected the first challenge and upheld the second.

7. On the first challenge, the Tribunal has held that there was no illegality in holding the alleged misconduct against the respondent to be proved and, thereby, punishing him with forfeiture of one year approved service permanently for three years with proportionate reduction in pay. This part of the impugned order of the Tribunal is not under challenge.

8. However, apropos the second challenge of the respondent, the Tribunal has held that the removal of the name of the respondent from the D-List amounted to reduction in rank and could not, therefore, have been undertaken without a regular departmental inquiry, as this

² 311. **Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.—**

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

[Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.



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would infract Article 311(2) of the Constitution of India.

9. As the respondent has remained repeatedly unrepresented in these proceedings, we have heard Mr. Jaswinder Singh, learned SPC for the petitioner.

10. The removal of the respondent's name from the promotion list was effected in terms of Rule 7(ii) of the Delhi Police (Promotion and Confirmation) Rules, 1980³, which read as under:

“The conduct and efficiency of men on promotion list shall be, at all times, watched with special care. Any officer whose name exists on the promotion list, if found guilty of a misconduct of nature reflecting upon his character or fitness for responsibility or who shows either by specific acts or by his record as a whole that he is unfit for promotion to higher rank shall be reported to the Deputy Commissioner of Police, head Quarters (1), Delhi in respect of persons on lists 'A' to 'E' and to Additional Commissioner of Police (Administration) Delhi in respect of officers on list 'P'. However, final decision regarding removal of name (s) from a promotion list shall be taken by the Appointing Authority only after giving show cause notice to the individual.”

11. The Tribunal has held that the removal of the respondent's name from the promotion list constituted reduction in rank.

12. Mr. Jaswinder Singh, has pointed out, from Rule 7(ii) of the DPPCR that persons in the promotion list could be removed from the list if they were found guilty of a misconduct of the nature reflecting on their character or fitness for responsibility or would show, by their own acts that they were unfit for promotion to the higher rank. In other words, submits, Mr. Jaswinder Singh, placement of a person in



the promotion list is a step before he is promoted to the higher rank and, therefore, removal of the name from the list would not amount to reduction in rank.

13. We are in agreement with Mr. Singh and cannot subscribe to the view of the Tribunal that removal of a name of the person from the promotion list would result *ipso facto* in reduction in rank. The contours of the expression “reduction in rank”, in the context of Article 311(2) of the Constitution, stand clearly delineated in the following passage from *Nyadar Singh v. Union of India*⁴:

“13. The import of the expression “reduction in rank” has been examined in the context of the constitutional protection afforded to government servants under Article 311(2) in relation to the three major penalties of “dismissal”, “removal” and “reduction in rank” and the constitutional safeguards to be satisfied before the imposition of these three major penalties. In Article 311(2) the penalty of “reduction in rank” is classed along with “dismissal” and “removal” for the reason that *the penalty of reduction in rank has the effect of removing a government servant from a class or grade or category of post to a lesser class or grade or category.* Though the government servant is retained in service, however, as a result of the penalty *he is removed from the post held by him either temporarily or permanently and retained in service in a lesser post.* The expression “rank”, in “reduction in rank” has for purposes of Article 311(2) an obvious reference to the stratification of the posts or grades or categories in the official hierarchy. It does not refer to the mere seniority of the government servant in the same class or grade or category. Though reduction in rank, in one sense, might connote the idea of reversion from a higher post to a lower post, all reversions from a higher post are not necessarily reductions in rank. A person working in a higher post, not substantively, but purely on an officiating basis may, for valid reasons, be reverted to his substantive post. That would not, by itself, be reduction in rank unless circumstances of the reversion disclose a punitive element.”

Reduction in rank, therefore, entails loss of the post being held by the



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employee and assumption of a lower post. The D-list is merely a list of persons who may be due for promotion; persons in the D-list are not substantive holders of the higher post. Ergo, removal of a person's name from the D-list would not entail any reduction in his rank.

14. It cannot be said, therefore, that, before removing the name of the respondent from the D-list, the petitioner was required to conduct a detailed enquiry or that the respondent would be entitled to the protection of Article 311(2) of the Constitution of India.

15. It is not in dispute that the respondent was issued a show cause notice proposing removal of his name from the promotion list and he submitted a reply thereto before action to remove the name of the respondent from the promotion list was taken. The dictates of Rule 7(ii) of the DPPAR are, therefore, met.

16. In these circumstances, there is obviously no merit in the challenge, by the respondent, to the validity of Rule 7(ii) either, as removal of the employee's name from the promotion list does not, as we have already observed, entail any reduction in rank.

17. We are unable, therefore, to sustain the decision of the Tribunal to the effect that removal of the respondent's name from the promotion list was illegal.

18. The impugned judgment dated 25 September 2002 passed by the Tribunal is, therefore, quashed and set aside.



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19. The writ petition is allowed in the aforesaid terms, with no orders as to costs.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 5, 2026*/yg/aky*