

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

C.W.P No. 831 of 2016

Date of decision : 07.04.2016

Baljit Singh

...Petitioner

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G. Haryana

RITU BAHRI , J.

Petitioner was appointed as Assistant Sub Inspector in the year 1994 and was promoted as Sub Inspector on 18.06.2000. Thereafter, F.I.R No. 286 dated 19.11.2005 was lodged against him under Section 7(13) of the Prevention of Corruption Act, 1988 for demanding and accepting the illegal gratification and vide judgment dated 30.04.2011, petitioner was acquitted of the charges framed against him.

Against the above said judgment, complainant preferred Crl. A. No. 658-MA No. 2011 before this Court, which was also dismissed on 20.02.2013 and the judgment dated 30.04.2011 was upheld.

However, because of F.I.R, a departmental enquiry was ordered against the Petitioner and charge sheet was issued to him and as a punishment, adverse entry was made in the ACR w.e.f 23.07.2005 to 31.03.2006.

Petitioner then filed CWP No. 6013 of 2012, which was dismissed by this Court on 25.04.2012. Petitioner then preferred an appeal, which was disposed of by this Court on 07.09.2012 with the observations with a liberty to the petitioner to submit a fresh representation within one month, which shall be considered by DGP (P-1). The petitioner filed contempt petition as the representation filed by the petitioner was not decided. During the pendency of the contempt petition, affidavit was filed by respondent No. 2 in which orders expunging the adverse remarks in the ACR of the petitioner and promotion to the post of Inspector was passed vide affidavit dated 24.11.2014 (P-2).

The grievance of the petitioner before this Court is that the juniors to the petitioner have been promoted to the post of DSP but the petitioner has not bene promoted to the post of DSP till date.

Learned State counsel while referring to the written statement submits that in the department enquiry, petitioner was held guilty of the charges levelled against him and he was awarded punishment of stoppage of five future increments with permanent

effect, vide order dated 01.01.2010. this order was challenged by the petitioner by way of filing appeal, which was dismissed being time barred and the revision filed against the orders, was also dismissed vide order dated 10.02.2012.

However, now the case of the petitioner along with other Inspectors for convening meeting of DPC to consider the names of senior most Inspectors for List 'G' and further promotion to the post of DSP has been sent to the Government vide office UO dated 23.10.2015 mentioning therein that the effect of punishment of stoppage of five increments will remain up to July, 2015 i.e till the currency of punishment of five increments.

Since the currency of the punishment awarded to the petitioner has come to an end now, this petition at this stage is being disposed of by giving a direction to the respondents to consider the case of the petitioner for promotion to the post of DSP, as per Punjab Police Rules.

(RITU BAHRI)
JUDGE

07.04.2016

G Arora