

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.27838 of 2018
Date of Decision: 30.10.2018

Surender Pal Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sandeep Lather, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

Learned counsel for the petitioner has referred to the order dated 17.06.2016 (Annexure P-3) whereby, Additional, Chief Secretary to Government of Haryana, Home Department, has reduced the punishment given to the petitioner of "Censure" to that of "Warning". Initially petitioner had been punished with stoppage of three increment with cumulative effect in the inquiry. However, prayer of the petitioner is that his name should be included in the list 'F' dated 14.03.2018 (Annexure P-1) and he may be promoted as Inspector w.e.f. 05.03.2008 the date when his juniors were promoted. Learned counsel further referred to the policy/instructions dated 19.07.1973 (Annexure P-6) and letter dated 31.05.2006 (Annexure P-7) wherein, it has been laid down that punishment of censure and warning are not major punishment and it cannot be made basis for stopping the promotion of an employee and this punishment should be considered for the whole record of the employee by judging over all suitability. It has been reiterated again in the letter dated 31.05.2006 (Annexure P-7) that during the currency of stoppage of increment an employee should not be promoted.

that in view of the order (Annexure P-3), the punishment has not been reduced to only warning and warning cannot be made basis for taking the benefit of promotion to the petitioner and in this backdrop, his case for promotion be considered by including his name in the List F (Annexure P-1)

Notice of motion.

Mr.Kiran Pal Singh, AAG, Haryana, has appeared and accepts notice on behalf of respondent/State.

Without commenting upon the merits of the case, the present writ petition is disposed of by giving directions to the respondents/authorities to look into the representation (Annexure P-8) of the petitioner keeping in view the order (Annexure P-3) and decide the same within a period of three months from the date of receipt of a certified copy of this order.

(RITU BAHRI)
JUDGE

30.10.2018
anil

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