

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

**LPA-1124-2022 (O&M)
Date of decision: 06.12.2023**

State of Haryana and others

...Appellants

Vs.

HC Kuldeep and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present: Mr. Deepak Balyan, Addl. A.G., Haryana,
for the appellants.**

**Mr. Sunil K. Nehra, Advocate,
and Mr. Arnav Udai Singh, Advocate,
for respondent No.1.**

Ritu Bahri, Acting Chief Justice

CM-2728-LPA-2022

1. For the reasons mentioned in the application, same is allowed and delay of 54 days in filing of the appeal is condoned.

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2. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 08.08.2022 passed by the learned Single Judge of this Court, whereby petition (CWP-5915-2022) filed by petitioner-respondent No.1 has been allowed and the respondent-State (appellant herein) has been directed to promote the petitioner to the post of Assistant Sub Inspector from the date his junior was promoted.

3. A perusal of the impugned judgment shows that the only reason

for denying promotion to the petitioner-respondent No.1 was that he was awarded censure by the Deputy Commissioner of Police, Faridabad on 01.10.2016, which was valid only for a period of six months i.e. up till 01.04.2017. After expiry of six months, his case for promotion was not considered and person junior to the petitioner (respondent No.1) was promoted vide order dated 11.10.2021.

4. The petitioner-respondent No.1 challenged the order dated 11.10.2021 (Annexure P-11) by filing the aforesaid writ petition, which was allowed by the learned Single Judge vide order/judgment dated 08.08.2022 keeping in view the judgment passed by this Court in HC Dilsher Singh vs. State of Haryana and others, 2009 (1) SCT 584. In that case, while examining Rule 13.8A of the Punjab Police Rules, 1934 (as applicable to State of Haryana), it was held that in case of punishment of censure, the bar is only for a period of six months.

5. In the facts of the present case, punishment of censure, which came to an end after six months, should not be made basis for denying promotion to the petitioner.

6. Learned counsel for petitioner-respondent No.1 refers to the order dated 17.07.2017 (Annexure P-8) passed by the Commissioner of Police, Faridabad on a representation filed by the petitioner, whereby adverse remarks recorded in his ACR for the period from 01.04.2016 to 26.09.2016 were categorized as 'good'. The said order was passed in the year 2017 and the person, junior to petitioner-respondent No.1, was promoted on 11.10.2021 (Annexure P-11).

7. A perusal of the ACR (Annexure P-7) of the petitioner shows that against the column of honesty, it was recorded as 'doubtful'. However,

vide order dated 17.07.2017 (annexure P-8), these adverse remarks were

categorized as 'good' and everything else was satisfactory.

8. Since the representation was made only against the adverse remarks, which were categorized as 'good', the argument of learned counsel for the appellant-State that only average was categorized as good, cannot be accepted.

9. After going through the contents of appeal as well as the impugned judgment, this Court is of the view that the order dated 11.10.2021 (Annexure P-11) has been rightly set aside by learned Single Judge and the appellant-State has been directed to grant promotion to the petitioner-respondent No.1 to the post of Assistant Sub Inspector from the date his junior was promoted with all consequential benefits. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

10. Resultantly, finding no merits, present appeal stands **dismissed**. Since the main appeal has been dismissed, misc. applications stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

06.12.2023
ajp

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