

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

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2024:PHHC:015962-DB

LPA-365-2023

Date of Decision: 06.02.2024

Surender Singh

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Dr. Suresh Kumar Redhu, Advocate,
for the appellant.

Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present letters patent appeal seeks consideration of the order passed by the Single Judge whereby the writ petition i.e. CWP No. 13341 of 2025 filed by the appellant-petitioner was disposed of with CWP No. 13326 of 2015, Om Parkash vs. State of Haryana and others on 11.09.2018 and the facts were noticed from the said case.

2. A perusal of the said judgment would go on to show that the issue of downgrading the ACR was also subject matter of consideration which also is common to the case of the appellant. It is submitted that the Single Judge came to the conclusion that penalty of censure was minor but when it is read coupled with an underlying charge of corruption, the case becomes magnified and, therefore, the action of the authorities should be upheld to bring purity in administration and discharge of above board policing duties by the State Police and there was no limitation for the government to correct an error. Resultantly,

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Interference was not done and the writ petition was dismissed.

3. Counsel for the appellant has tried to convince us that the facts are different as such and tried to place reliance upon the judgment of the Division Bench of this Court in ***H.C. Dalsher Singh vs. State of Haryana and others, 2009 (1) SCT 584*** to submit that the said punishment would remain in force for a period of only six months and, therefore, the action of the respondents for not further considering the appellant for promotion was not justified. Further, reliance has been placed upon another Division Bench judgment of this Court in ***LPA-1124-2022, State of Haryana and others vs. H.C. Kuldeep and another decided on 06.12.2023*** to submit that a similar view was taken and it was held that it cannot be made the basis to deny promotion to the petitioner.

4. A perusal of the paper book would go on to show that the said judgments are not applicable in the present case in as much as the petitioner-appellant was found guilty by the Inquiry Officer in his inquiry report dated 04.08.2009 (Annexure P-11) regarding the demand of illegal gratification of Rs.8,000/- and 11 bottles of ACP Whiskey. Therefore, the Superintendent of Police was rather lenient by imposing the penalty of censure upon him alongwith Vijender Singh.

5. Apparently, the petitioner had filed ***CWP No. 10785 of 2014, Surender Singh vs. State of Haryana and others***, which was decided on 28.05.2014 (Annexure P-19) wherein, he was given liberty to file representation to the Inspector General of Police against the fact that the suspension period has been ordered to be treated as non-duty period which was not sustainable. Liberty was accordingly given to do the needful within four weeks and the same was to be decided within three months from the date of submission of such representation. The consequential benefits, if any, were to be released to him within a period of two weeks. However, the Inspector General of Police, South

Range, Rewari on 08.08.2014 (Annexure P-21) found that there was another punishment also wherein, the punishment of stoppage of one future annual increment with temporary effect had been imposed for demanding illegal gratification of Rs.2,000/- (Annexure P-21). In such circumstances, directions were issued to the Superintendent of Police, Mewat at Nuh that the ACR which had been recorded for the period 2009-10 as “good” was in contrast with the penalty which was on the grounds of corruption. Necessary directions were ordered to be taken accordingly and resultantly show cause notice was issued to the petitioner dated 07.11.2014 (Annexure P-22) and eventually vide order dated 11.12.2014 (Annexure P-24), his ACR was downgraded as “C” and integrity was recorded as “doubtful” for taking bribe.

6. In compliance with the orders passed in CWP-10785-2014, the Inspector General of Police, South Range, Rewari also rejected his application wherein, he had taken the plea in his representation dated 01.06.2014 (Annexure P-20) that censure would come to an end after a period of six months, which is now also sought to be put forth relying upon the judgments of the Division Bench's, as noticed above. The said representation was rejected on 19.11.2014 (Annexure P-26) mainly keeping in view the earlier recommendations of the Inspector General of Police, South Range dated 08.08.2014 (Annexure P-21) and by noting that two punishments on the allegation of corruption were casting aspersions on the integrity of the official and barred his further upgradation upto 10 years.

7. Keeping in view the above, we do not find any tangible reason as such to interfere in the order of the Single Judge as reasons given by him are well justified since corruption is eating the roots of the society and a person who does not inspire confidence in the employer himself and who is dealing with the

8. Accordingly, the present appeal stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

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Whether reasoned/speaking
Whether reportable

(LAPITA BANERJI)
JUDGE
Yes
No