



CWP-2006-2025

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

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CWP-2006-2025

Date of Decision: 01.08.2025

Naresh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sunil Kumar Nehra, Advocate,
Mr. Viren Nehra, Advocate,
Mr. Rahil Mahajan, Advocate,
Mr. Arun Dosanj, Advocate and
Ms. Meghna Nehra, Advocate for the petitioner
Mr. Shashank Bhandari, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of show cause notice dated 02.01.2025 (Annexure P-7) whereby he has been called upon to show cause as to why his promotion to the rank of Assistant Sub-Inspector should not be withdrawn.

2. The petitioner was promoted from the rank of Head Constable to Assistant Sub-Inspector w.e.f. 01.01.2010 vide order dated 25.05.2010. He was further promoted to the rank of Officiating Sub-Inspector w.e.f. 04.05.2018 by order dated 15.08.2024. The petitioner was facing trial arising out of FIR No.55 dated 22.01.2016 under Sections 342, 365 & 34 of Indian Penal Code, 1860 registered at Police Station City Sonipat. He was acquitted



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vide judgment dated 22.09.2023 passed by Chief Judicial Magistrate, Sonipat.

3. Learned counsel for the petitioner submits that petitioner was awarded punishment of censure. His integrity was never doubtful. There is no Annual Confidential Report ('ACR') wherein his integrity was doubted. The respondent can withhold promotion maximum for a period of 6 months in case of punishment of censure. In case of doubtful integrity recorded in the ACR, the promotion can be withheld for 10 years. The petitioner was rightly promoted to the rank of Assistant Sub-Inspector and thereafter to Sub-Inspector. There is no infirmity in the orders of promotion. The respondent, as this belated stage, is trying to recall orders which were passed a decade back.

4. Learned State counsel submits that against the petitioner there was allegation of accepting illegal gratification of ₹500/- from Ajmer Singh. This shows that his integrity was doubtful. He was implicated in afore-stated FIR which further shows that he was not a man of integrity.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. In view of order dated 08.08.2022 passed by this Court in **CWP No.5915 of 2022, Kuldeep v. State of Haryana and others** and order dated 06.12.2023 passed in **LPA No.1124 of 2022, State of Haryana and others v. HC Kuldeep and another**, promotion in case of punishment of censure can be withheld for maximum period of 6 months. The petitioner is claiming that he was not awarded any punishment other than censure, thus, his promotion

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could not be withheld for more than 6 months. The respondent is claiming that integrity of the petitioner was doubtful. The respondent has not placed on record ACRs of the relevant period to prove that Reporting Authority has recorded his integrity doubtful. In the absence of evidence, this Court cannot conclude that integrity of the petitioner was declared doubtful in 2007. The petitioner was promoted 15 years back. It would not be just and fair to recall his promotion mechanically. The respondent has issued show cause notice which is yet to be adjudicated.

7. This Court is sanguine of the fact that competent authority would pass a reasoned order noticing afore-cited judgments and question of limitation. Needless to mention, the petitioner would be entitled to consequential benefits and liabilities in accordance with law.

8. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

01.08.2025
Mohit Kumar

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