



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106/1

CWP-17061-2004

Decided On: 22.05.2025

RANDHIR SINGH

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R. K. Malik, Senior Advocate with
Mr. Anshul Labana, Advocate for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 28.10.2003, whereby on account of punishment of stoppage of one increment with cumulative effect having been awarded to the petitioner, he was not considered for promotion as Assistant from the date his junior had been promoted.

2. As per facts on record, in brief, the petitioner was appointed as Clerk in the respondent Department on 25.01.1977. On account of his absence from duty from 24.03.1986, his services were terminated on 26.12.1986. The termination order was challenged by him by filing CWP-9670-1997, which was disposed of on 19.09.1997, by setting aside the order on account of violation of the Principles of Natural Justice, and granting liberty to take action in accordance with law. Pursuant thereto, the petitioner joined back in service on 19.11.1997. Later, he was issued a chargesheet dated 16.03.1998, under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, on the ground that he remained absent from duty from 24.03.1986 to 07.02.1990, and for leaving the country without permission of the Government. A regular departmental enquiry was conducted and he was



awarded punishment of stoppage of one increment with cumulative effect vide order dated 12.07.1999, and the period of his absence from duty was treated as leave without pay. The statutory appeal against the punishment order was dismissed by the competent authority on 27.08.1999.

3. The order of punishment was challenged by the petitioner by filing the connected petition, CWP-12533-2001, which has been dismissed on 22.05.2025, upholding the orders awarding the punishment as well as dismissing the appeal against it.

4. In the instant case, the petitioner’s claim for promotion from the date his junior had been promoted, was declined vide the impugned order dated 28.10.2003 only on the ground that he had been awarded the punishment of stoppage of one increment with cumulative effect. Since the order awarding the punishment has been upheld in the connected petition, the claim becomes unsustainable. The punishment disentitled him to be considered for promotion along with his junior.

5. In view thereof, there is no merit in the petition and it stands dismissed.

22.05.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>