



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

**CWP-3075-2002 (O&M)
Date of Decision: 22.09.2025**

Buta Ram

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vijay Pal, Advocate and
Ms. Manisha Nehra, Advocate
for the petitioner.

Mr. Chanchal K. Singla, Addl. A.G., Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:

- (i) Order dated 05.02.2001 whereby his claim for promotion as Deputy Superintendent of Police (DSP) was rejected;
- (ii) Order dated 03.03.2001 whereby he was not promoted as DSP;
- (iii) Order dated 28.07.2000 whereby two annual increments were ordered to be forfeited with permanent effect;
- (iv) Order dated 08.01.2001 whereby his appeal against order dated 28.07.2000 was dismissed; and
- (v) Order dated 22.10.2001 whereby his representation/revision against order dated 28.07.2000 was dismissed.

2. Learned counsel representing the petitioner, at the outset, submits that petitioner does not press his prayer *qua* setting aside of

orders of forfeiture of two years approved service for increments with permanent effect.

3. This is second round of litigation *qua* promotion from the rank of Inspector to DSP. In the previous round, the petitioner preferred **CWP No.12964 of 1999**. The said petition was disposed of by a Division Bench of this Court vide order dated 16.11.2000. The order dated 16.11.2000 being a short order is reproduced in toto as below:

“Petitioner is working as Inspector of Police. He has filed this petition under Article 226 of the Constitution with a two fold grievance:

- (i) that he was ignored for promotion on 10.7.1997 when his juniors were promoted;*
- (ii) (ii) that the departmental enquiry initiated against him is illegal.*

As regards the first grievance, it is admitted on behalf of the respondents that the claim of the petitioner was ignored on account of his adverse confidential reports for the period from 1.4.1995 to 29.8.1995. It is common of the parties that on a representation filed by the case petitioner the adverse reports have been expunged by the competent authority on 6.10.1998. The departmental enquiry was initiated against the petitioner on 25.6.1999. In this view of the matter, the petitioner is entitled to be considered for promotion to the post of Deputy Superintendent of Police w.e.f. 10.7.1997 when his juniors were promoted. In the reply filed on behalf of the respondents, it is admitted that the case of the petitioner for promotion has been sent to the State Government on 13.1.2000 and that the same is under consideration.

So far as the second grievance of the petitioner is concerned, the learned Senior Deputy Advocate General informs us that the departmental proceedings have since been finalised and that the punishing authority has

forfeited two years service of the petitioner. Shri Saron submits that the petitioner has filed a departmental appeal against the order imposing the punishment.

Having heard counsel for the parties, we dispose of the writ petition with a direction to the respondents to consider the claim of the petitioner for promotion to the post of Deputy Superintendent of Police w.e.f. 10.7.1997 in accordance with law. Let the needful be done within three months from the date of receipt of copy of this order. Since the departmental enquiry has now been finalised and the petitioner has challenged the order of punishment in appeal, we refrain from going into the validity of those proceedings leaving it open to the petitioner to pursue his departmental remedies. There is no order as to costs.”

4. Pursuant to aforesaid order, the respondent reconsidered claim of the petitioner and rejected vide order dated 05.02.2001 on the ground that he has been awarded punishment of forfeiture of two years' service vide order dated 28.07.2000 passed by Deputy Inspector General of Police (**DIG**). He submits that this Court had directed respondent to consider his claim w.e.f. 10.07.1997. At that point of time, no departmental inquiry was pending against him. Departmental inquiry which culminated in punishment of forfeiture of two years' service was initiated on 07.07.1999. The petitioner was subjected to punishment for the alleged incident which occurred back in 1990. The respondent initiated departmental inquiry in 1999 with respect to incident of 1990 just to deprive him from post of DSP. He has retired as Inspector in 2003.

5. *Per contra*, learned State counsel submits that petitioner was awarded punishment of forfeiture of two increments, thus, he could not be considered for the post of DSP during the currency of punishment. The order of punishment was passed in July' 2000, thus, up to 2002 he could

not be considered for the post of DSP and thereafter retired in 2003.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of order dated 26.11.2000 passed by a Division Bench of this Court, it is evident that respondents were directed to consider claim of petitioner as DSP w.e.f. 10.07.1997. Concededly, petitioner, at that point of time, was not subjected to punishment of forfeiture of increments. Departmental inquiry was initiated against him in July' 1999. The respondent was bound to consider claim of petitioner as per position prevailing on 10.07.1997 and ignoring the adverse remarks recorded in his ACR. The respondent could deny promotion to petitioner w.e.f. 10.07.1997 had any other departmental proceedings been pending against him on the said date whereas alleged departmental proceedings were initiated in 1999 and he was subjected to punishment vide order dated 27.07.2000. The punishment awarded in July' 2000 could not be a ground to deny him promotion in 1997. The respondent just to deny benefit of promotion while passing impugned order dated 05.02.2001 considered punishment awarded in July' 2000. The order dated 16.11.2000 passed by this Court was never challenged. In view of order dated 16.11.2000 passed by this Court, the respondent was bound to consider petitioner's claim as on 10.07.1997. The petitioner has already retired, thus, his promotion w.e.f. 10.07.1997 may affect his pension.

8. In the wake of above discussion and findings, this Court finds it appropriate to direct the respondents to promote petitioner w.e.f. 10.07.1997 as DSP. It is made clear that petitioner shall not be entitled to arrears, however, his pension would be refixed. Revision of pension

would be prospective.

9. *Allowed* in above terms.

(JAGMOHAN BANSAL)
JUDGE

22.09.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No