



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

**CWP No.7802-2023 (O&M)
Date of Decision:12.11.2025**

SI Bharat Pal

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Tapan Yadav, Advocate
Ms. Himanshi Gautam, Advocate
for the petitioner

Ms. Rajni Gupta, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting side of notice dated 09.03.2023 (Annexure P-3) which was followed by order dated 21.03.2023 whereby he was retired at the age of 55 years.

2. This Court on 18.04.2023 passed the following order:-

“ Learned Senior counsel for the petitioner contends that while communicating the adverse remarks for the period from 01.04.2022 to 31.01.2023, remarks have been made in the relevant column that the petitioner has been awarded the punishment of stoppage of 2 annual increments with permanent effect and a departmental enquiry in view of FIR No.329 dated 18.10.2021



registered under Sections 217, 218, 219, 221 IPC and Sections 7, 8, 13 of the Prevention of Corruption Act has been ordered. Secondly, reference has been made in respect of suspension of the petitioner and initiation of departmental enquiry for having been arrested in FIR No.04 dated 11.01.2023 under the Prevention of Corruption Act.

Learned Senior counsel with reference to the progress report in FIR No.329 dated 18.10.2021 submits that the petitioner has been found to be innocent and a cancellation report has been prepared by the Investigating officer and the FIR in question is likely to be cancelled very soon. Secondly in respect of involvement of the petitioner in FIR No.04 dated 11.01.2023, a confidential report for the period prior to the date of registration of FIR is wholly unsustainable as during the period from 01.04.2022 to 31.01.2023 there was no such complicity in which the petitioner is said to have committed any offence.

Notice of motion.

On the asking of the Court, Ms. Palika Monga, DAG, Haryana accepts notice on behalf of the respondents and seeks time to file reply.

Adjourned to 27.04.2023.

Notice re: stay as well.”

3. The aforesaid order was followed by order dated 08.05.2023 whereby operation of the impugned order was stayed. Order dated 08.05.2023 reads as:-

“ Reply has been filed on behalf of the respondents No.1 to 4, a copy thereof, has also been supplied to the learned counsel for the petitioner.



Learned Senior Counsel for the petitioner with reference to adverse remarks for the period from 01.04.2022 to 31.01.2023 submits that the same is based on two events. Firstly, on the basis of registration of FIR No.329 dated 18.10.2021 under Sections 217, 218, 219, 221 IPC and under Sections 13, 7, 8 of the PC Act, Police Station Mundikadi, departmental enquiry was also held, in which the Enquiry Officer did not find any incriminating material against the petitioner, but the Punishing Authority after recording disagreement to the findings recorded by the Enquiry Officer, passed an order of punishment, thereby stopping two annual increments with cumulative effect vide order dated 16.09.2022. The appeal filed by the petitioner was dismissed, however, the revision is still pending. In the aforesaid FIR, cancellation report has already been submitted to the competent Court. Secondly FIR No.4 was registered on 11.01.2023 and the petitioner was placed under suspension vide order dated 13.01.2023 and ACR was recorded solely on the basis of aforesaid misconduct without holding any departmental enquiry. Perusal of summary of ACRs for the period 01.04.2012 to 31.03.2022 shows that all entries are good and very good. The adverse entry is only for the period 01.04.2022 to 21.04.2022. Learned Senior Counsel further submits that on the basis of FIR No.4 dated 11.01.2023, there is no adverse entry, nor was any departmental enquiry held, except the order of suspension passed against the petitioner. During the period from 01.04.2022 to 31.01.2023, there was no such complicity of the petitioner in respect of any offence committed as nothing was communicated in respect of the aforesaid period.



Notice of motion was issued on 18.04.2022. Notice re:stay was also issued.

The case involves arguable points.

Adjourned to 28.09.2023.

In the meanwhile, order dated 21.03.2023 be not acted upon.

4. Learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition. The benefits already granted to petitioner may not be withdrawn on account of withdrawal of instant petition. He may be granted liberty to assail order of punishment dated 16.09.2022 (Annexure P-6)
5. Learned State Counsel expressed her inability to controvert the aforesaid prayer.
6. Dismissed as withdrawn. It is made clear that withdrawal of this petition would neither affect pending departmental or criminal proceedings nor increments already granted to the petitioner.
7. The petitioner is at liberty to avail remedies as permissible by law qua punishment of forfeiture of increments awarded vide impugned order dated 16.09.2022 (Annexure P-6).
8. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.11.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No