



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

CWP-19649-2015

Date of Decision: 09.09.2025

Vinod Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.S. Malik, Advocate and
 Mr. Pankaj Rana, Advocate
 for the petitioner.

Mr. Ashok Kumar Khubbar, 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 aside of orders dated 23.02.2011, 24.12.2010 and 07.07.2011 whereby petitioner was awarded punishment of forfeiture of two increments with permanent effect.

2. On 24.05.2023, the following order was passed:

“It appears from the record that a departmental enquiry was held precisely for two allegations i.e. absence from duty for a period of three days and misbehaviour with the colleagues/higher officers. During enquiry, allegation of misbehaviour was found to be baseless, however charge of absence from duty was established. The punishing authority vide order dated 18.10.2010 passed an order of punishment of “no work no pay” for the period of absence of three days. The Inspector General of Police, Railways and Technical Services, Haryana issued a show cause

notice to the petitioner on 24.12.2010 by exercising the powers under Rule 16.28(1) of the Punjab Police Rules, Volume II, recording disagreement with the order passed by the punishing authority on two counts.

Firstly, on the ground of absence on number of times showing the petitioner to be habitual absentee and secondly being a member of a disciplined force, the petitioner misbehaved with his seniors. A show cause notice was issued on 24.12.2010 showing cause as to why the penalty of stoppage of two annual increments with permanent effect be not inflicted upon the petitioner.

*Learned counsel for the petitioner refers to **Onkar Singh vs. State of Haryana and others 2016 SLR (Volume III) 387 and CWP No.17611 of 2015 titled Samshad Khan vs. State of Haryana and others** decided on 23.11.2022 to contend that the disagreement note and show cause notice can't be of even date.*

Learned State counsel seeks time to verify whether disagreement note was issued against the findings of enquiry or only against the order passed by the punishing authority.

If the disagreement note has not been recorded qua the findings of enquiry, then it would be taken to be a case of issuing show cause notice straightway without recording any disagreement note qua the enquiry.

Adjourned to 09.08.2023.”

3. The aforesaid order was followed by 14.07.2025 which reads as:

“The petitioner vide order dated 18.10.2010 was awarded punishment of withholding of pay of three days for his absence from duty. The Inspector General of Police in exercise of power conferred by Rule 16.28 of Punjab Police Rules, 1934 (as applicable to State of Haryana) issued a show cause notice dated 24.12.2010 calling upon the petitioner to show cause as to why punishment of stoppage of annual increment with permanent effect should

not be awarded. The petitioner filed reply to said show cause notice. Finding the reply dissatisfactory, reviewing authority by order dated 23.02.2011 awarded punishment proposed in the show cause notice. The petitioner unsuccessfully preferred appeal before Director General of Police.

The respondent is claiming that petitioner was a habitual absentee. In a short span, he remained absent on 11 occasions. To ascertain conduct of the petitioner, Mr. Raman Sharma, Addl. A.G., Haryana is hereby directed to show status of the petitioner during 2011-2025.

Adjourned to 24.07.2025.”

4. The respondent has filed status report dated 18.07.2025 disclosing conduct of the petitioner. From the perusal of status report, it comes out that petitioner had remained absent on subsequent occasions also. Most of the time, absence period is running into hours. He was promoted as Exemptee Head Constable on 24.06.2015 and Officiating Head Constable w.e.f. 29.12.2023 vide order dated 08.01.2024.

5. The petitioner was subjected to punishment of forfeiture of two increments with permanent effect on account of absence from duty for three days. The quantum of punishment seems to be disproportionate to alleged offence. The petitioner has been subjected to punishment for absence from duty on other occasions. The impugned punishment has been awarded on account of absence from duty for three days. The said punishment seems to be on the higher side. In the normal course in such circumstances, the matter is remanded back to Authorities to reconsider quantum of punishment, however, considering the fact that impugned order was passed in 2010, this Court finds it appropriate to convert the punishment of forfeiture of two increments with permanent effect into

forfeiture of two increments with temporary effect. Ordered accordingly.

6. *Allowed* in the above terms.

(JAGMOHAN BANSAL)
JUDGE

09.09.2025
Prince Chawla

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