



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

CWP-16687-2025

Date of Decision: 27.08.2025

Gobind Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aditya Yadav, 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 12.05.2025 (Annexure P-9) and 13.05.2025 (Annexure P-10) whereby Inspector General of Police, South Range, Rewari (**IGP**) has reviewed and set aside order dated 13.04.2022 passed by Superintendent of Police (**SP**), Mahendergarh.

2. Written statement of Superintendent of Police, Narnaul on behalf of respondents No.1 to 4 has been filed in the Court today, which is taken on record. The Registry is directed to tag the same at an appropriate place.

3. The petitioner joined Haryana Police Force as Constable on 29.10.1991. He from time to time was promoted to higher ranks. He was promoted as Assistant Sub Inspector (**ASI**) on 23.06.2016. Jurisdictional SP passed order dated 21.05.2021 whereby petitioner was awarded punishment of censure. In the said order, it was noticed that integrity of

petitioner is doubtful, thus, he was awarded punishment of censure. Pursuant to order dated 21.05.2021, adverse remarks were recorded in the petitioner's ACR for the period from 30.08.2020 to 31.03.2021. Honesty was recorded as average and reliability was recorded as below average. The petitioner preferred representation against order dated 21.05.2021 to the extent of adverse marks recorded in the ACR. IGP vide order dated 25.02.2022 expunged adverse remarks recorded in the ACR. The relevant extracts of orders dated 21.05.2021 and 25.02.2022 read as:

“Order dated 21.05.2021:-

As your integrity and reliability is doubtful, you, Sub Inspector Govind, No. 261/Narnaul are given the punishment of censure and are instructed to honestly perform your duties in future as per the directions of higher officials. If any case against you comes to notice, then without issuing any other notice, appropriate departmental action will be taken against you and an adverse remark will be made in your annual confidential report. A copy of this should be provided free of cost to Assistant Sub Inspector Govind, No. 261/Narnaul by Army Clerk, Narnaul.

Order dated 25.02.2022:-

In view of the above, I am of the considered view that charges against the representationist ASI Govind No. 261/NNL are not sufficient enough to invite adverse remarks recorded in his ACR for the period from 30.08.2020 to 31.03.2021 pertaining to columns of "Honesty, Reliability & Defects if any, communication". Hence, the representation is partially accepted and the adverse remarks recorded against the above mentioned columns are hereby expunged. Other adverse remarks pertaining to remaining columns are justified and will stand. The representationist may be informed accordingly.

4. The jurisdictional SP vide order dated 13.04.2022 modified

order dated 21.05.2021 to the extent of doubtful integrity and reliability of the petitioner. Relevant extracts of the order dated 13.04.2022 read as:

“In view of above, it is justified to modify the punishment order dated 21.05.2021 and punishment awarded is hereby modified to the extent that he is not found involved in any activity which doubted his integrity & reliability. However, the punishment awarded to him will continue to exist. These orders shall be provided to the concerned police official and an entry be made in his Character Roll.”

5. Superintendent of Police, Mahendergarh forwarded petitioner's case for promotion to IGP who vide impugned order dated 12.05.2025 reviewed order dated 13.04.2022 passed by SP. The aforesaid order was passed in exercise of power conferred by Rule 16.28 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR'). The Reviewing Authority observed that SP has no power to review his order, thus, order dated 21.05.2021 was reviewed beyond jurisdiction. By said order, the order dated 21.05.2021 was restored and order dated 13.04.2022 was declared null and void. Pursuant to order dated 12.05.2025, IGP vide order dated 13.05.2025 withdrew order dated 25.02.2022 whereby petitioner was brought on List-E. The order of promotion was also withdrawn.

6. Mr. Aditya Yadav, Advocate submits that order dated 13.04.2022 passed by SP did not change colour and contour of order dated 21.05.2021. IGP vide order dated 25.02.2022 had set aside adverse remarks with respect to honesty and reliability of the petitioner, thus, order dated 13.04.2022 was compliance of order dated 25.02.2022 passed by Higher Authority. The impugned order was passed without issuing

show cause notice and granting opportunity of hearing, thus, it was patently bad in the eye of law. The order was further passed after three years from the date of order passed by SP.

7. *Per contra*, Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana submits that there is no provision which empowers SP to review/recall his order. SP acting beyond his jurisdiction reviewed his order dated 21.05.2021. He had acted beyond his jurisdiction, thus IGP was bound to review his order in exercise of power conferred by Rule 16.28 of PPR.

8. On being asked, Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana expressed his inability to controvert the fact that impugned order was passed without issuing show cause notice and granting opportunity of hearing. With respect to question of limitation, he submitted that no limitation period has been prescribed under Rule 16.28 of PPR, thus, power was rightly exercised.

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

10. The entire dispute is centered around the interpretation of Rule 16.28 of PPR, thus, it is inevitable to look at the said rule which is reproduced as below:

***“16.28 Powers to review proceedings. -(1) The Inspector General, a Deputy Inspector-General, and a Superintendent of Police may call for the records of awards made by their Subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders. The State Government may also call for the records and review the awards made by the Inspector General of Police, Punjab or by any other authority subordinate to him.*”**

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by reinstatement, or not. The order should also state whether service previous to dismissal should count for pension or not.

(3) In all cases in which officers purpose to enhance an award they shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.”

11. From the perusal of above quoted rule, it comes out that Inspector General/Deputy Inspector General and Senior Superintendent of Police, may call record of awards made by their subordinates. These officers may confirm, enhance, modify or annul the order passed by their subordinates. They before passing order of confirmation or enhancement or modification or annulment may make further investigation or direct to be made before passing orders. The higher authority is competent to annul the order passed by his subordinate and before annulling the same, he may conduct further investigation or direct to be conducted, however, higher authority has no right to annul the order passed by his subordinate and thereafter order to conduct De novo departmental enquiry.

12. No limitation period has been prescribed under Rule 16.28 of the PPR, however, it is settled proposition of law that where no limitation period is prescribed, authorities are bound to act within reasonable period. The reasonable period depends upon facts and circumstances of each case. There is no hard and fast or straitjacket formula.

13. A three Judge Bench of Supreme Court in **‘M/s S.B. Gurbaksh Singh Vs. Union of India and other’ (1976) 2 SCC 181** while adverting to power of Revisionary Authority to revise the order of

Assistant Commissioner, has held that where no time limit has been prescribed to excise *suo motu* power of revision, the Revisionary Authority is bound to initiate the proceeding within a reasonable time. So, any unreasonable delay in exercising may affect its validity. What is reasonable time will depend upon the facts and circumstances of each case. A similar view has been taken by Supreme Court in the case of ***‘State of Punjab and others Vs. Bhathinda District Cooperative Milk Producers Union Ltd.’ (2007) 11 SCC 363.***

14. In ***‘Sharda Devi Vs. State of Bihar and another’, (2003) 3 SCC 128***, Supreme Court while advertng to Sections 18 and 30 of Land Acquisition Act, 1894 (for short ‘1894 Act’) has held that no period of limitation has been prescribed under Section 30 of 1894 Act and where no period of limitation for exercise of any statutory power is prescribed, the power should be exercised within a reasonable period which depends upon the facts and circumstances of each case. The relevant extracts of judgment are reproduced as below:

“By reference to limitation

Under Section 18 the written application requiring the matter to be referred by the Collector for the determination of the court shall be filed within six weeks from the date of the Collector's award if the person making it was present or represented before the Collector at the time when he made his award or within six weeks of the notice from the Collector under Section 12(2) or within six months from the date of the Collector's award, whichever period shall first expire. There is no such limitation prescribed under Section 30 of the Act. The Collector may at any time, not bound by the period of limitation, exercise his power to make the reference. The expression “the person present or represented” before the Collector at the

time when he made his award would include within its meaning a person who shall be deemed to be present or represented before the Collector at the time when the award is made. No one can extend the period of limitation by taking advantage of his own wrong. Though no limitation is provided for making a reference under Section 30 of the Act, needless to say, where no period of limitation for exercise of any statutory power is prescribed, the power can nevertheless be exercised only within a reasonable period; what is a reasonable period in a given case shall depend on the facts and circumstances of each case.”

15. In the case in hand, SP awarded punishment of censure vide order dated 21.05.2021. The said order was modified by order dated 13.04.2022. The impugned order was passed on 12.05.2025. The impugned order was passed without issuing show cause notice and granting opportunity of hearing. The said order was passed beyond three years from the date of order passed by SP, Mahendergarh. In view of principle of reasonable period of limitation, the impugned order seems to be bad in the eye of law. This aspect could be ignored had respondent issued show cause notice or granted opportunity of hearing. The respondent exercised power under Rule 16.28 of PPR which specifically provides that adverse order shall not be passed without granting opportunity of showing cause. The respondent was bound to issue show cause notice proposing enhanced penalty and thereafter grant opportunity of hearing. Action of respondent was not only in violation of Rule 16.28 of PPR but also principles of natural justice.

16. There is another aspect of the matter. The jurisdictional SP in his order dated 21.05.2021 declared integrity of the petitioner doubtful. A

specific entry in the ACR was made in this regard. The petitioner made representation to IGP who expunged adverse remarks recorded in the ACR. It means IGP found that integrity of the petitioner is not doubtful. The order dated 13.04.2022 whereby SP modified his earlier order was not required. The petitioner during the course of hearing has conceded that order dated 13.04.2022 may be ignored because IGP has already set aside adverse remarks recorded in the ACR. It was IGP who had expunged adverse remarks recorded in the ACR of the petitioner. The remarks recorded in the ACR stood expunged by IGP, thus, there was no need to pass order dated 13.04.2022. As conceded by petitioner, the said order may be ignored. The matter of petitioner with respect to promotion or other service benefits needs to be examined in the light of order dated 21.05.2021 passed by SP and order dated 25.02.2022 passed by IGP.

17. In the wake of above discussion and findings, impugned orders dated 12.05.2025 (Annexure P-9) and 13.05.2025 (Annexure P-10) are hereby set aside. Let the case of petitioner be considered in the light of orders dated 21.05.2021 (Annexure P-5) and 25.02.2022 (Annexure P-6).

18. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.08.2025
Prince Chawla

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