



216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15533-2023 (O&M)
Date of Decision: 19.12.2025

Paramjeet Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

And

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-18279-2023 (O&M)	Paramjeet Singh	State of Haryana and Others
3.	CWP-23384-2024	Paramjeet Singh	State of Haryana and Others
4.	CWP-7147-2024 (O&M)	Paramjeet Singh	State of Haryana and Others
5.	CWP-18482-2024	Paramjeet Singh	State of Haryana and Others

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Karan Bhardwaj, Advocate and
Mr. G.S. Gopera, 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 aside of:

(i) Order dated 11.05.2023 (Annexure P-8) whereby representation against adverse remarks for the period from 20.11.2017 to 31.03.2018 was rejected (in CWP-15533-2023);

(ii) Order dated 26.09.2023 whereby his representation against adverse ACR for the period from 01.04.2021 to 27.01.2022 was

rejected **(in CWP-7147-2024)**;

(iii) Order dated 03.02.2016 (Annexure P-4) whereby he was awarded punishment of stoppage of five increments with permanent effect and order dated 20.07.2023 (Annexure P-11) whereby his absence from duty was treated as non-duty period **(in CWP-23384-2024)**;

(iv) Order dated 07.07.2023 whereby he was awarded punishment of forfeiture of four increments with permanent effect **(in CWP-18279-2023)**; and

(v) Order dated 10.05.2023 whereby his representation for setting aside punishment of forfeiture of five increments on the ground of his acquittal in FIR was rejected **(in CWP-18482-2024)**.

2. The petitioner was enrolled as Constable in Haryana Police on 20.03.1988. He was promoted from time to time. He was holding rank of Inspector in 2011. He was conveyed adverse remarks recorded in his ACR for the period from 20.11.2017 to 31.03.2018 and 01.04.2021 to 27.01.2022. The reason of recording adverse remarks was his involvement in two FIRs i.e. (i) FIR No.88 dated 21.04.2013 registered under Sections 167, 201, 217, 218 and 120B of IPC; Sections 7, 13 and 8 of P.C. Act, 1988; Sections 13 and 3 of the Public Gambling Act, 1867 and Section 66 of Information Technology Act, 2000 at Police Station City Narwana, District Jind and (ii) FIR No.92 dated 04.07.2018 registered under Sections 4 and 13 of P.C. Act, 1988 at Police Station Ding, District Sirsa. The Investigating Officer filed cancellation report in FIR No.92 which was accepted by trial Court on 16.02.2019. He was

acquitted by trial Court in FIR No.88 vide judgment dated 13.09.2022. He submitted representations seeking upgradation of his ACR(s). The respondent vide order dated 25.06.2021 rejected his representation. He filed fresh representations after his acquittal in aforesaid FIRs. The respondent by order dated 11.05.2023 and 26.09.2023 rejected his representations.

3. The respondent in the wake of aforesaid FIRs initiated departmental proceedings against him. The respondent awarded him punishment of forfeiture of four increments on account of his involvement in FIR No.92. He was also awarded punishment of forfeiture of five increments on account of absence from duty for seven months. He was denied salary for the absence period and his absence period was further declared *dies non*.

4. Learned counsel for the petitioner submits that petitioner was implicated in FIR No.88 and 92. The investigating officer filed cancellation report in FIR No.92 which was duly accepted by trial Court. The investigating officer filed final report in FIR No.88. The petitioner faced trial and was acquitted by trial Court vide judgment dated 13.09.2022. On account of registration of FIR No.88, the petitioner remained absent from duty for seven months. He was awarded punishment of forfeiture of four increments on account of his implication in FIR No.92. He was further awarded punishment of forfeiture of five increments on account of his absence from duty for seven months. The competent authority recorded adverse remarks in his ACR(s) for the period from 20.11.2017 to 31.03.2018 and 01.04.2021 to 27.11.2022. He

was denied salary for the period he remained absent from duty. His absence period has been declared *dies non*.

As police filed cancellation report which was duly accepted by trial Court, there was no occasion to inflict punishment of forfeiture of four increments with permanent effect. He was acquitted in FIR No.88 and remained absent on account of his false implication in criminal case, thus, punishment of forfeiture of five increments with permanent effect was harsh.

5. *Per contra*, learned State counsel submits that Competent Authority as per work and conduct of the petitioner recorded remarks in his ACR(s). He remained absent from duty for seven months. He was not terminated, thus, was bound to join duty. Being member of disciplined force, he could not remain absent from duty. Period of absence was quite long, thus, Competent Authority was within its jurisdiction to deny salary for the absence period and treat said period *dies non*. On account of long absence from duty, punishment of forfeiture of increments was also warranted.

In the departmental inquiry, it was found that he on the night of 07.11.2017 while posted as SHO, Police Station Ding, Sirsa found a car parked on road side in suspicious condition. On checking, Hari Singh s/o Nauk Ram and one lady were found in the car. They were brought to Police Station and thereafter released on payment of illegal gratification of Rs.3,00,000/-. The departmental inquiry was dropped by SP, Fatehabad vide order dated 25.05.2019. IGP, Hisar Range, Hisar in exercise of power conferred by Rule 16.28 of Punjab Police Rules, 1934

(as applicable to State of Haryana) (in short 'PPR') reviewed order of SP. He after issuing show cause notice and taking reply of the petitioner vide order dated 27.01.2022 awarded punishment of dismissal from service. The petitioner preferred an appeal before DGP which was partially allowed. The order of dismissal from service was converted into punishment of stoppage of four annual increments with permanent effect. There is no infirmity in the order of punishment warranting interference.

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

7. On being confronted with the fact that petitioner has already retired and adverse remarks in his ACR(s) are not going to affect him either financially or otherwise, learned counsel for the petitioner expressed his inability to controvert the same.

8. Scope of interference in ACR matters is very limited. An Authority is best judge of subordinate's strength and weakness. In the absence of material irregularity, the Court cannot substitute opinion of the authorities. The Reporting Authority as per its wisdom and assessment found the petitioner dishonest and unreliable.

9. Considering the scope of interference, fact that petitioner has already retired and Authorities have recorded adverse remarks in his ACR(s) in the light of pending criminal cases against him, this Court finds no ground to interfere. Accordingly, the writ petitions bearing ***CWP No.15533 of 2023*** and ***CWP No.7147 of 2024*** are hereby dismissed.

10. The petitioner remained absent from duty for seven months. There was no lapse on the part of respondent. He was not terminated by respondent. The petitioner has failed to advance any plausible reason to grant him salary for the absence period. Accordingly, it is hereby held that petitioner was rightly denied salary for the absence period. The Authorities have further rightly treated his absence period as dies non.

11. The petitioner was subjected to punishment of forfeiture of four increments alleging that he accepted a sum of Rs.3 lakhs from Hari Singh who was found sitting with a lady in a car. The respondent registered FIR No.92 against him. The Investigating Officer did not find him guilty and filed cancellation report. The trial Court accepted cancellation. In the departmental inquiry, the inquiry officer did not find him guilty. The Disciplinary Authority vide order dated 25.05.2019 accepted inquiry report and dropped the charges. The reviewing authority vide order dated 13.09.2021 issued show cause notice cum disagreement note. The reviewing authority in exercise of power conferred by Rule 16.28 of PPR inflicted punishment of dismissal from service. The petitioner preferred appeal before Director General of Police which was partially allowed. The order of dismissal from service was converted into punishment of stoppage of four increments with permanent effect. The intervening period i.e. 21.01.2022 to 05.12.2022 was declared as non-duty period. The petitioner preferred mercy appeal before Government which came to be dismissed.

12. There is substance in the argument of petitioner that punishment of forfeiture of four increments was bad in the eye of law

because investigating officer filed cancellation report which was accepted by trial Court. The inquiry officer did not find him guilty and disciplinary authority dropped the charges. The reviewing authority passed order of dismissal from service after two years from the date of dropping charges by disciplinary authority. There was no new material on record. As investigating officer as well as inquiry officer did not find him guilty, the order of reviewing authority was not justified. Case of petitioner does not fall within exceptions carved out under Rule 16.3 of PPR. His case falls under Rule 16.3 which provides that no departmental proceeding shall be initiated if criminal proceedings are dropped. Rule 16.3 of PPR reads as:

“16.3. Action following on a judicial acquittal.-

(1) When a Police Officer has been tried and acquitted by a criminal court he shall be not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not, unless –

(a) the criminal charge has failed on technical grounds; or

(b) in the opinion of the Court or of the Neutral Superintendent of Police, the prosecution witnesses have been won over; or

(c) the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or

(d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court which justify departmental proceedings on a different charge; or

(e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available.

(2) Departmental proceedings admissible under sub-rule (1) may be instituted against Lower Subordinates

by the order of the Superintendent of Police but may be taken against Upper Subordinates only with the sanction of Deputy Inspector General of Police, and a police officer against whom such action is admissible shall not be deemed to have been honorably acquitted for the purpose of rule 7.3 of the Civil Services Rules (Punjab), Volume I, Part I.”

13. From the perusal of above quoted Rule, it is evident that departmental proceedings are not warranted where criminal proceedings are dropped unless proceedings are dropped on account of exceptions carved out in aforesaid Rule. It is not a case of acquittal by trial Court whereas investigating officer himself did not find him guilty. Inquiry officer also did not find him guilty. In such circumstances punishment of forfeiture of four increments deserves to be set aside and accordingly set aside. The petitioner shall be entitled to 50% of salary for the period he remained out of service. The said period would further be counted in his length of service. Accordingly, **CWP No.18279 of 2023** stands allowed.

14. The petitioner has been awarded punishment of forfeiture of five increments for remaining absent from duty for seven months. He remained absent because an FIR was registered against him and he was pursuing his remedies. He was not initially named in the FIR. Initial Final Report under Section 173 Cr.P.C. was not filed against him. He was implicated at a later stage. He was finally acquitted by trial Court. The petitioner has been awarded punishment not because of his involvement in FIR No.88 whereas he was punished on account of absence from duty. He was denied salary for the said period. The absence period was declared *dies non*. His claim of salary for the absence period and treating said period *dies non* stands rejected hereinabove. He has been awarded

punishment of forfeiture of five increments for remaining absent. As he has been denied salary for the said period and period involved has been declared *dies non*, punishment of forfeiture of five increments with permanent effect seems to be on the higher side.

15. Hon'ble Supreme Court time and again has reminded that High Court cannot examine factual position and disturb findings recorded by departmental authorities. The Court has further held that High Court cannot re-quantify quantum of punishment, however, if Court finds that punishment awarded is disproportionate to alleged offence, the Court may ask the authorities to re-consider quantum of punishment.

In "***Om Kumar v. Union of India***", (2001) 2 SCC 386 a matter came up for hearing on account of an order of Supreme Court dated 04.05.2000 proposing to re-open the quantum of punishments imposed in departmental inquiry on certain officers of the Delhi Development Authority who were connected with the land of the DDA allotted to M/s. Skipper Construction Co. It was proposed to consider imposition of higher degree of punishment in view of the role of these officers in the said matter. The question posed before the Court was whether the right punishment was awarded to the officers in accordance with well known principles of law or whether the punishments required any upward revision. Proportionality as a constitutional doctrine has been highlighted therein.

In "***Bhagat Ram v. State of Himachal Pradesh***", (1983) 2 SCC 442, the Apex Court held that any penalty which is disproportionate to the gravity of misconduct would be violative of Article 14 of the Constitution of India. The relevant extract of the judgment read as:

“15. ... It is equally true that the penalty imposed must be commensurate with the gravity of the misconduct, and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution. ...”

16. In the normal course matter ought to be remanded to authorities to reconsider quantum of punishment. However, in this particular case, this Court does not find it appropriate to remand the matter because petitioner has already retired and quite a long time has already passed away. There are all possibilities that remand would multiply the litigation. Thus, to cut short the litigation and considering the allegation, this Court deems it appropriate to reduce the punishment of forfeiture of five increments into three increments with permanent effect. In these terms, **CWP No. 23384 of 2024** and **CWP No.18482 of 2024** are disposed of.

17. The petitioner shall be entitled to arrears on account of modification of punishment orders. He shall not be entitled to interest if arrears are released within six months from today failing which respondent shall be liable to interest at the rate of 7.5% per annum on the expiry of said period.

18. All the petitions are **disposed of** in above terms.

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

(JAGMOHAN BANSAL)
JUDGE

19.12.2025
Prince Chawla

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