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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

201

**CWP-2377-2017 (O&M)
Date of Decision: 30.07.2025.**

TEK CHAND

...Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Gurpreet Singh, Advocate,
for the petitioner.

Mr. Bharat Bhushan Sharma, Senior Panel Counsel,
for the respondents/UOI.

VINOD S. BHARDWAJ. J (ORAL).

The petitioner, by way of the present writ petition assails the order dated 05.07.2016 passed by the respondents, whereby the penalty imposed upon him was even though modified, yet, sustained to the extent that his pay was reduced by one stage from ₹8,770 to ₹8,440, in the time scale of pay of ₹5,200 - ₹20,200, for a period of one year.

2 The undisputed facts borne out from the record of the present writ petition reveal that the petitioner was appointed to the post of Head Constable (Ministerial) in the Central Reserve Police Force (CRPF) on 16.02.2006. Upon recruitment, he was initially posted at the Group Centre, CRPF Headquarters, Bantalab, Jammu and Kashmir, and

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was thereafter transferred to the 2nd Battalion and with effect from 03.06.2008, he was deployed in a disturbed area of Chhattisgarh. Owing to an acute shortage of manpower as is the case of the petitioner, he was initially entrusted with permanent charge of the Establishment-3 Branch and was subsequently allocated additional charge of Establishment-5, along with permanent responsibilities relating to Account-2 and Account-3 branches. His duties included the processing of medical reimbursement claims. The petitioner asserts that while discharging his official responsibilities, he was required to process the medical reimbursement claim of one Constable (GD) Rakesh Kumar. It is his contention that the said claim was returned with four to five objections. However, due to the excessive workload, he inadvertently recorded the said claim as “disposed of.” The respondents, treating this act as misconduct, initiated disciplinary proceedings against the petitioner in respect of the said charge, along with the others. The same reads thus: -

“Medical Reimbursement Claim Bill of force No.035070896 Constable General Duty Rakesh Sharma was received in this office vide Group Centre, Bantable letter No. M.III.1/2010-11-PC-2 dated 02/06/2010 for removing observation. On receiving this claim Bill, Despatch at Clerk entered it in Diary Sl.No.1395 dated. 12/06/2010 and given it to Force No.065072048 Head Constable (Ministerial) Tek Chand entered this claim in Dealing Assistant Diary Register at Sl.No.900 and without taking needful action, he indicated it as Force disposed in the Dealing Assistant Diary No.065072048 Head Constable (Ministerial) Tek

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Chand being member of CRPF made this misconduct under Article 1949, Section 11(1).

ARTICLE-II

Force No.065072048 Head Constable (Ministerial) Tek Chand is lazy in his daily routine official work, ignorant about the rules of CRPF and incapable of drafting. He has been repeatedly given advise letters, warning/Censure but no improvement has been found in him. It appears from this that the personnel is habitual of making mistakes. Therefore it is disobedience to duty under Act 1949 11(1) being an employees of CRPF.

ARTICLE-III

Force No.065072048 Head Constable (Ministerial) when he proceeded or leave and asked about the pendency of work, he told that no pending letter is with him and the disposed of Dak is being made on time vide the order of Commandant-02 Battalion, an Investigation Committee was formed about the pendency of Dak, which was not executed/disposed off by Force No.065072048 Head Constable (Ministerial). Besides this many other letters were also found which were shown executed in his Dealing Assistant Diary but they were still pending. Therefore, Force No.065072048 Head Constable (Ministerial) Tek Chand has made misconduct under Act 1949 Section 11(1) being an employee of CRPF.”

3 Pursuant to the charges levelled against the petitioner, a departmental inquiry was conducted in accordance with the prescribed procedure. Upon conclusion of the said inquiry, the Inquiry Officer, vide

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report dated 08.11.2010, returned a finding that the charges stood proved against the petitioner. Consequent thereto, the Disciplinary Authority, by an order of even date, imposed the penalty of reduction in pay by two stages, i.e., from ₹8,770/- - ₹8,120/- per month in the time scale of pay of ₹5,200/- to ₹20,200/-, for a period of two years. The said order further stipulated that the petitioner would not be entitled to earn increments of pay during the period of such reduction, and upon the expiry of the penalty period, the reduction would have the effect of postponing the future increments in the petitioner's pay.

4 Aggrieved by the imposition of the aforesaid penalty, the petitioner preferred a statutory appeal before the Appellate Authority - the Deputy Inspector General (DIG), which was dismissed vide order dated 11.09.2012. The petitioner invoked the revisional jurisdiction of the Inspector General, CRPF, Jammu which too met the same fate and Revision Petition was dismissed vide order dated 09.09.2014. Left with no alternative remedy, the petitioner approached this Court vide Civil Writ Petition No. 8436 of 2015, however, the said writ petition was dismissed in limine. Aggrieved, the petitioner preferred Letters Patent Appeal No. 1142 of 2015 which was allowed and the matter was remanded to the authorities, albeit restricted to a limited aspect. Vide the judgment dated 15.02.2016, the LPA was disposed of with the following directions: -

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“6.) We have heard learned counsel for the parties and gone through the record, especially, the nature of allegations leveled against the appellant. Since the appellant has taken the plea that he was looking after the work of four seats and was genuinely overburdened due to which the inadvertent mistakes had occurred, it appears to us in the interest of justice to remit the case to the Inspector General of Police, CRPF, Jammu Sector for the limited purpose to consider whether there exist mitigating circumstances which may invite sympathetic consideration for the reduction in the punishment. If permissible under the Rules, the appellant may be given personal hearing also. It shali be appreciated if the Inspector General of Police, CRPF, Jammu Sector passes an appropriate order within a period of four months. The order passed by the the learned Single Reviewing Authority as well Judge stand modified to this extent.”

5 In compliance with the directions issued, the respondent authorities passed the impugned Office Order, whereby the earlier penalty has been modified to that of reduction of pay by one stage i.e., from ₹8,770/- to ₹8,440/- in the time scale of pay of ₹5,200/- - ₹20,200/- for a period of one year with effect from 16.11.2010. It was further directed that the petitioner shall not earn any increments during the said period, and upon its conclusion, the reduction shall have the effect of postponing future increments in pay. Aggrieved thereof, the instant writ petition has been filed.

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6 Learned counsel has further argued that the punishment has been imposed under Section 11 (1) of the Central Reserve Police Force Act, 1949, and that the said section only prescribes minor punishments. The punishment imposed, having not been provided for, could not have been imposed.

7 Learned counsel for the petitioner has vehemently contended that, in terms of the provisions of the Central Reserve Police Force Act, 1949, read with the Central Reserve Police Force Rules, 1955, the penalty of reduction in the time scale of pay can be imposed only for a specified duration. However, in the present case, the respondent authorities, while modifying the penalty, have recorded that the petitioner shall not earn increments of pay during the said period and, further, that such reduction shall have the effect of postponing future increments as well. It is argued that such stipulation effectively imposes a cumulative punishment, which is impermissible in law. Learned counsel submits that the applicable service rules do not envisage or provide for a penalty of cumulative nature, and as such, any punishment not specifically contemplated under the rules cannot be lawfully imposed. Consequently, it is argued the impugned order suffers from legal infirmity and deserves to be set aside. He places reliance on a Single Bench judgment of the Gauhati High Court passed in **WP (C)/6871/2029 titled as CT/GD Ravindra Kumar Vs. Union of India and others, decided on 28.11.2024**. The relevant extract thereof reads thus: -

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“13. Applying the decisions of the Hon'ble Supreme Court in the cases of T. J. Paul(supra) and Vijay Singh (supra) and of this Court in the case of Rahul Kumar(supra) to the facts of the present case; this Court is of the considered view that under the provisions of Rule 27(a) of the Central Reserve Police Force Rules, 1955, it being only permissible to impose a penalty of reduction to a lower stage in the time scale of pay for a specified period, the respondent authorities could not have imposed upon the petitioner, herein, the penalty so imposed vide the impugned order, dated 15.11.2007, with cumulative effect, inasmuch as, the imposition of penalty of reduction to a lower stage in the time scale of pay prescribed for a specific period; is not prescribed under the provisions of the Central Reserve Police Force Rules, 1955, to be so imposed with cumulative effect.”

8 He further places reliance on the judgment of a Single Bench of the Jammu and Kashmir High Court in the matter of **Ajay Shankar Pandey Vs. Union of India and others, bearing SWP No.1877 of 2009, decided on 07.07.2010.** The relevant extract thereof reads thus:-

"Her next contention that the punishment of stoppage of two increments with cumulative effect was not countenanced by the Central Reserve Police Force Rules, 1955, however, found tenable because the provisions of the Central Reserve Police Force Rules, 1955 do not contemplate stoppage of increment with cumulative effect, as one of the punishments, which may be imposed on the members of the service. The rules contemplate only stoppage of increments and nothing beyond that. In terms of Rule 72 of the rules, the period of

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withholding of increment cannot be beyond one year. In a nut shell, therefore, the stoppage of Increment, with cumulative effect, is impermissible under the Rules and the learned counsel is right in saying that the punishment awarded to the petitioner for stoppage of two increments with cumulative effect was unwarranted. The punishment of stoppage of two increments with cumulative effect, awarded, by the Commandant and confirmed by the Deputy Inspector General of Police, CRPF is, therefore, found illegal and against the Central Reserve Police Force Rules, 1955.

This petition, therefore, succeeds and is, accordingly, allowed quashing the punishment awarded to the petitioner vide Commandant's order NO. P.VIII-1/97-05-EC-II dated the October 2005 read with Deputy Inspector General, CRPF's order NO. R 13-20(2)/2005-EC-ill dated 28.11.2006. The respondents are, however, left free to pass such orders as warranted under law and rules to deal with the misconduct of the petitioner.”

9 In response to the aforesaid submissions, learned counsel appearing on behalf of the respondents/Union of India contends that the present writ petition is wholly misconceived and untenable in law. It is submitted that the disciplinary action initiated against the petitioner, culminating in the imposition of punishment, had already attained finality, inasmuch as the earlier writ petition filed by the petitioner was dismissed in limine, and the Letters Patent Appeal preferred thereagainst was also disposed of, wherein the only direction issued was to reconsider the quantum of punishment. It is further submitted that the impugned

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order has been passed in faithful compliance of the said limited direction and does not warrant any interference.

10 Learned counsel has drawn the attention of this Court to Rule 27 of the Central Reserve Police Force Rules, 1955, to contend that the said Rule contemplates two distinct components of punishment, namely: (i) reduction in the time scale of pay for a ‘specified period’, and (ii) denial of increments during such period, along with the consequential effect on future increments. It is urged that the impugned penalty is in conformity with the said Rule and cannot be construed as a cumulative punishment dehors the statutory framework. He refers to the table which reads thus: -

Sr.No	Punishment	Subedar (Inspector)	Sub-Inspector	Other except enrolled followers	Constables and enrolled followers	Remarks
3	Reduction to a lower stage in the time scale of pay for a specified period	DIGO	DIGP	Commandant	Commandant	To be inflicted after formal departmental enquiry.
		xxx	xxx	xxx	xxx	
7	Stoppage of increment	DIGP	DIGP	Commandant	Commandant	May be inflicted without a formal departmental enquiry.

11 Referring to the aforesaid, learned counsel for the respondents contends that under the Central Reserve Police Force Rules, 1955, both punishments i.e. reduction to a lower stage in the time scale

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of pay and stoppage of increments, can independently be imposed by the competent authority. It is submitted that reduction to a lower stage in the time scale of pay necessarily requires 'specification of the period of' reduction, as contemplated under the relevant Rules, whereas the punishment of stoppage of increments, as enumerated at Serial No.7 of the prescribed table, may be imposed without a mandatory specification of time duration.

12 It is further submitted that the impugned order dated 05.07.2016 clearly records that the petitioner's pay was reduced by one stage from ₹8,770/- to ₹8,440/- for a period of one year with effect from 16.11.2010, thereby fulfilling the requirement under Column No.3 of the table appended to Rule 27. As regards the effect on future increments, it is argued that such a consequence is stipulated in and flows from Fundamental Rules and specifically FR-29. The same reads thus: -

“FR.29. (1) If a Government servant is reduced as a measure of penalty to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, the period of reduced shall operate to postpone future increments and if so to what extent.

(2) If a Government Servant is reduced as a measure of penalty to lower service, grade or post or to a lower time-scale, the authority ordering the reduction shall specify:-

(a) the period for which the reduction shall be effective;

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(b) whether, on restoration, the period of reduction shall operate to postpone future increment and if so, to what extent, and

whether the Government Servant shall regain his original seniority in the higher service, grade or post or time scale on his restoration to the service, grade or post or time-scale from which he was reduced.”

(emphasis supplied)

13 Referring to the aforesaid, learned counsel for the respondents has further submitted that, in the instant case, the petitioner, being a Government servant, has been subjected to the penalty of reduction to a lower stage in the time scale of pay. It is contended that, in accordance with the Rules, the period for which such reduction is to remain in force has been duly ‘specified’ in the impugned order. Moreover, the stipulation that such reduction would operate so as to postpone future increments has also been expressly incorporated in the above Rule.

14 No other arguments have been raised by the counsel for the parties and no other judgment has been cited or relied upon.

15 Having heard learned counsel for the parties and upon perusal of the record, it is evident that the gravamen of the petitioner’s contention is confined to the operative portion of the impugned order, insofar as it provides that the ‘petitioner shall not earn increments of pay during the period of punishment and that such reduction shall have the

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effect of postponing future increments.’ It is urged that this stipulation amounts to the imposition of a cumulative punishment, which, according to learned counsel, is not envisaged either under Section 11 or under the applicable service rules. The petitioner maintains that the relevant rules contemplate that any punishment of reduction to a lower stage in the time scale must be for a specified period and cannot simultaneously result in the postponement of future increments.

16 It would thus be essential to advert to Section 11 of the CRPF Act as well. The same is extracted as under: -

*“11. **Minor punishments.** (1) The Commandant or any other authority or officer as may be prescribed, may, subject to any rules made under this Act award in lieu of or in addition to, suspension or dismissal any one or more of the following punishments to any member of the force whom he considered to be guilty of disobedience, neglect of duty, or remissness in the discharge of any duty or of other misconduct in his capacity as a member of the force, that is to say :-*

(a) reduction in rank;

(b) fine of any amount not exceeding one month’s pay and allowances;

(c) confinement to quarters, lines or camp for a term not exceeding one month;

(d) confinement in the quarter-guard for not more than twenty eight days with or without punishment drill or extra guard, fatigue or other duty; and

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(e) removal from any office of distinction or special emolument in the force.”

17 The first and foremost question which thus needs to be examined is as to whether Section 11 of the CRPF Act empowers the competent authority to impose any penalty other than minor punishments or not, since the punishment order has been passed invoking the power vested by virtue of Section 11 of the CRPF Act, 1949. The Section can be broken down as:

- (i) The Commandant or any other authority or officer as may be prescribed,
- (ii) may, subject to any rules made under this Act,
- (iii) award in lieu of,
- (iv) or in addition to,
- (v) suspension or dismissal
- (vi) anyone or more of the following punishments.

18 Hence, the Section does not confer any limited or restricted authority and rather recognizes the power to impose not only punishment of dismissal or suspension but also punishment as may be prescribed under the Rules, not only in lieu of, but also in addition, to the above punishments.

19 Further, reference may also be made to the judgment of the Hon’ble Supreme Court in the matter of **Union of India Vs Ghulam**

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Mohd. Bhat, reported as 2006 (3) SCT 178. The relevant extract thereof

reads thus: -

5. *A bare perusal of Section 11 shows that it deals with minor punishment as compared to the major punishments prescribed in the preceding section. It lays down that the Commandant or any other authority or officer, as may be prescribed, may, subject to any rules made under the Act, award any one or more of the punishments to any member of the force who is found guilty of disobedience, neglect of duty, or remissness in the discharge of his duty or of other misconduct in his capacity as a member of the force. According to the High Court the only punishments which can be awarded under this Section are reduction in rank, fine, confinement to quarters and removal from any office of distinction or special emolument in the force. In our opinion, the interpretation is not correct, because the section says that these punishments may be awarded in lieu of, or in addition to, suspension or dismissal.*

6. *The use of words 'in lieu of, or in addition to, suspension or dismissal', appearing in sub-section (1) of Section 11 before clauses (a) to (e) shows that the authorities mentioned therein are empowered to award punishment of dismissal or suspension to the member of force who is found guilty and in addition to, or in lieu thereof, the punishment mentioned in clause (a) to (e) may also be awarded.*

7. *It may be noted that Section 9 of the Act mentions serious or heinous offences and also prescribes penalty which may be awarded for them. Section 10 deals with less heinous offences and clause (m) thereof shows that absence of a member of the force without leave or without sufficient*

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cause or overstay without sufficient cause, is also mentioned as less heinous offence and for that also a sentence of imprisonment is provided. It is, therefore, clear that Section 11 deals with only those minor punishments which may be awarded in a departmental inquiry and a plain reading thereof makes it quite clear that a punishment of dismissal can certainly be awarded thereunder even if the delinquent is not prosecuted for an offence under Section 9 or Section 10.

20 Rule 27 (a) of the CRPF Rules, 1955, prescribes as many as 11 different punishments to be inflicted on non-gazetted officers and men of various ranks. The relevant punishment of reduction to a lower stage and stoppage of increment are mentioned at Sr. No.3 and Sr. No.7 respectively. While punishments tabulated from Sr. No.1 to 6 can be imposed only after departmental enquiry, punishment at Sr. No.7 to 11 can be imposed even without a departmental enquiry.

21 Section 11 (1) of the CRPF Act, 1949, has thus to be read along with Rule 27 (a) as well as FR-29 (1). The punishment of reduction to lower stage is thus prescribed and can be imposed for a 'specified period.'

22 The Fundamental Rules of 1922 came into force, w.e.f. 1st January, 1922 and applies to the petitioner as he does not fall under the Army or Marine Regulation, which are exempted from the same. It would be relevant also to refer to Rule 102 of the CRPF Rules, 1955 which read thus: -

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*Chapter XIII**Applicability of Central Government Rules and Orders: -**102 Other Conditions of Service:-*

The conditions of service of members of the Force in respect of which no provision is made in their rules shall be the same as are for the time being applicable to their officers of the Government of India of corresponding status.

23 Thus Rule 102 of the CRPF Rules, 1955, itself allows the Fundamental Rules, 1922 to apply in respect of which provision is not made in the Rules of 1955. The Fundamental Rules govern all the terms and conditions of service and as per the definition of ‘Act’ which means the ‘Government of India Act’, now akin to the “Constitution of India”. To the contrary, the CRPF Rules 1955 are notified under the CRPF Act, 1949. Invariably, the Fundamental Rules having been framed under the corresponding provision of the Constitution of India would have an over-riding effect in case of any repugnancy or conflict between the two Rules. It is in this backdrop that Article 372 of the Constitution assumes significance. Article 372(1) categorically provides that all laws in force in the territory of India immediately before the commencement of the Constitution shall continue in force, subject to such adaptations and modifications as may be made, until altered or repealed by a competent legislature or authority. By virtue of this constitutional mandate, the Fundamental Rules, having their genesis prior to the commencement of

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the Constitution and continuing in force thereafter, acquire a binding and overriding effect. Consequently, in the event of any repugnancy or conflict between the CRPF Rules, 1955, framed under the CRPF Act, 1949, and the Fundamental Rules continued under Article 372 of the Constitution, it is the Fundamental Rules, being constitutionally preserved and overarching, which would prevail.

24 The Protection in the Rules of 1955 is only to the extent of ‘condition of service’ for which provision is made in the Rules of 1955, at best.

25 The essential aspect thus would be to ascertain as to what is a ‘condition of service’ and whether “punishment” or “penalties” are a condition of service.

26 ‘Conditions of Service’ would generally be in reference to the terms of employment with an organization and they may cover several aspects. Through different judicial pronouncements, superannuation; tenure or termination of service; leave; Provident Fund; Gratuity; Pension; Promotion; Wages and salaries; subsistence, allowances; increments; age of superannuation; compulsory retirement; confirmation; deputation and disciplinary proceedings; transfer and tenure of service have been held to be ‘Condition of service’ but imposition of penalty in a misconduct has not been regarded as a ‘condition of service’. In such matters, the judicial pronouncement stop-short at “disciplinary proceedings” i.e. the manner in which a

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punishment may be imposed but not the quantum of punishment. Thus, the Protection of Rules of 1955 have to be thus read harmoniously with FR-29 of the Rules of 1922. Since ‘punishment’ is not a condition of service in the present case, hence, a harmonious construction between Rule 27 (a) of the Rules of 1955 and Rule 29 of the Rules of 1922 has to be drawn.

27 In the said background, it needs to be understood that Rule 27 (a) contemplates stoppage of increment as well as reduction to a lower stage in the time scale of pay for a ‘specified period.’ Although “stoppage of increment” would normally be construed as ‘without cumulative effect’ but Rule 27, even though does not mention “with cumulative effect”, but at the same time, it does not “exclude” the said punishment as well. Hence, the argument of the petitioner is based on an inference but without considering the import of Rule 29 (1) of the Fundamental Rules. It would now be imperative to draw a comparison table of the punishment imposed as the prescription under Rule 29: -

Punishment	Rule 29
Reduction of pay by one stage..... for a period of one year. The individual will not earn increment of pay during this period. The reduction will have	If a Government servant is reduced; the authority ordering such reduction shall state the period for which it shall be effective and whether on

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the effect of postponing the future increment of his pay.	restoration, the period of reduced pay shall operate to postponing further increment and if so to what extent.
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28 Evidently, the punishment imposed of stoppage of increment and whether it would have effect of postponing future increment is prescribed in the FR-29 and has been answered and addressed in the punishment order. The very fact that FR-29 contemplates postponement of further increments shows that FR does stipulate a cumulative effect of punishment of stoppage of increment in cases where the punishment is “Reduction to a lower stage in time scale of pay for a specified period.”

29 It must also be kept in mind that service jurisprudence is relatively of recent origin and it is also probable that in 1922 i.e. more than 100 years ago, the expression “cumulative effect” may not be as common an expression of punishment as it is today and even service rules are of 1955 i.e. nearly 70 years old. A Court of law is required to travel back in time to ascertain what the legislature may have intended then. The effect and intent thus must be gathered from the expression used and not by the absence of an exact expression which may now be in a prevalent use.

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30 It is further not in dispute that the expression “specified period” finds a mention in the service rules; however, the said expression has not been defined therein. The petitioner made an attempt to equate or interchange the terms “specified period” and “prescribed period,” to contend that unless a time frame is ‘prescribed’ under the rules themselves, any order that results in consequences beyond such duration would amount to imposition of a cumulative punishment. The submission, however, suffers from a fundamental fallacy. The term “prescribed period” implies a duration expressly provided for in the statutory rules, whereas “specified period,” in its plain and grammatical sense, ‘denotes the time frame explicitly stated or stipulated by the competent authority in a given order.’ These two expressions serve distinct purposes and cannot be used interchangeably in the context of statutory interpretation.

31 The distinction between the terms "specified" and "prescribed" is of significance in statutory and service jurisprudence and the same is supported by authoritative legal definitions, including those found in Black’s Law Dictionary. The term "specified" is defined as something that is “explicitly named or identified; stated in detail,” connoting an act of clear expression or mention within a particular instrument or order. On the other hand, "prescribed" is defined as “set down authoritatively or as a rule; laid down as a guide, direction, or rule of action by a superior or competent authority.” Thus, while a ‘prescribed period’ must be ‘found within the confines of an enacted

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rule, regulation, or statute, a ‘specified period’ refers to ‘what is clearly and unambiguously stated by the authority in a particular context such as an order or decision.’ In service jurisprudence, therefore, the expression “specified period” in a punishment order must be understood to mean the time duration explicitly mentioned by the disciplinary authority in the order itself, and not necessarily one that is prescribed or preordained in the service rules. The two expressions, though sometimes loosely interchanged in ordinary parlance, operate distinctly and must not be conflated in the interpretation of statutory schemes where precision governs the limits of authority.

32 Accordingly, the competent authority, while acting under the enabling provisions of the Fundamental Rules and the CRPF Rules, was well within its jurisdiction to specify that the punishment would be operative for one year and that the future increments would be postponed. Such an order does not travel beyond the scope of the rule-making framework.

33 The petitioner has also relied on the decision of the Hon’ble Gauhati High Court in CT/GD Ravindra Kumar v. UOI, which lays down the principle that no punishment can be imposed unless the same is provided for under the service rules. This Court finds no quarrel with the said proposition; however, it does not advance the petitioner’s case, for the punishment imposed in the present case is traceable to Rule 27 of the CRPF Rules and FR 29, both of which contemplate such a penalty,

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including its consequences on future increments. The said judgment along with the judgment in the matter of *Ajay Kumar Pandey (supra)*, with due reference, failed to take note of FR-29 and its impact as well as reconcile the provision between the Rules. The argument of the petitioner tends to render FR-29 as nugatory and equates ‘punishment’ to ‘condition of service’, which in the facts of the case or the precedent judgment is not a condition of service. I would thus find myself in a respectful disagreement with the judgment of the Single benches of the Gauhati and Jammu and Kashmir High Courts.

34 Even though a parting argument has been raised by the learned counsel for the petitioner, contending that the Fundamental Rules would not apply in a domain where the field stands already occupied by specific statutory regulations, and that once specific provisions have been framed under the relevant service rules, recourse to the Fundamental Rules becomes impermissible, this Court finds the said contention to be unpersuasive for the reasons given earlier and also for the reason that the argument stems from an interpretation based upon using the words ‘specified’ and ‘prescribed’ interchangeably. It is well settled that where statutory rules and general rules such as the Fundamental Rules can operate in tandem without conflict, the latter serve a clarificatory function and do not stand excluded. In the present context, Rule 27 of the CRPF Rules, 1955, cannot be read in isolation or as repugnant to Rule 29 of the Fundamental Rules. Rather, the two are complementary; while Rule 27 operates within the specific framework

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applicable to CRPF personnel Rule 29 provides a general foundational principle regarding the imposition and effect of punishments relating to pay and increments. No substantive conflict has either been demonstrated or is discernible on a plain reading of the provisions.

35 Having held above, the next issue that comes up for consideration is as to whether the impugned order needs to be interfered with or not.

36 It is trite law that the jurisdiction of this Court under Article 226 of the Constitution is one of judicial review, not of appellate authority. It does not extend to substituting the punishment imposed by the competent authority unless the same is found to be wholly arbitrary, grossly disproportionate, or shockingly unreasonable. Merely because another view is possible or that a lesser punishment could have been imposed does not justify interference, particularly where the punishment impugned falls within the framework of law and has been imposed after due consideration.

37 Considering from any of the perspectives, I do not find that there is any merit in the instant writ petition. The same is accordingly dismissed.

July 30, 2025
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No