

**CWP-27901-2025****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****110****CWP-27901-2025****Date of Decision: 30.09.2025****Devender Singh****...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Deepak Singh Saini, Advocate and
Ms. Vamika Johar, Advocate for the petitioner

Mr. Ashok Kumar Khubbar,
Additional Advocate General, 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 order dated 28.12.2013, 30.01.2019 and 13.08.2019 whereby he was awarded punishment of warning.

2. The petitioner joined Haryana Police Force as Constable on 10.06.2007. On account of matrimonial discord, a dispute erupted between petitioner and his wife. FIR No.106 dated 18.06.2012 under Sections 498-A, 406, 312, 313, 354, 376 and 120-B of Indian Penal Code, 1860 at Police Station Women, Alwar (Rajasthan) came to be registered against him. He was placed under suspension vide order dated 13.09.2012. The respondent conducted inquiry and found him guilty. The suspension order was revoked vide order dated 14.05.2016 and he was reinstated. Trial Court vide judgment dated 08.02.2018 acquitted him in aforesaid FIR. The respondent issued him show cause notice dated 09.01.2019 proposing stoppage of two annual increments. He was not awarded punishment, however, warned to be

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careful in future. He preferred appeal seeking setting aside of warning and treating his suspension period as duty period. The said appeal was dismissed on the ground of maintainability. He filed civil suit which came to be dismissed. He filed further appeal which also came to be dismissed. Suit and appeal were dismissed on the ground that revision is pending. As per respondent-State, revision was dismissed on 18.03.2021, however, petitioner has not been supplied copy of the order.

3. Learned counsel for the petitioner submits that respondent was duty bound to count his suspension period as duty period. He may not be entitled to full salary for the said period, however, said period needs to be counted in his length of service.

4. Mr. Ashok Kumar Khubbar, Additional Advocate General, Haryana, who on advance notice is present in Court on behalf of respondent-State, submits that Director General of Police, Haryana (for short '**DGP**') rejected petitioner's revision vide order dated 18.03.2021 on the ground of maintainability.

5. On being asked, learned State counsel agreed that till date no order with respect to status of suspension period has been passed. He further expressed his inability to controvert that petitioner was never dismissed from service, thus, his suspension period may be counted towards length of service.

6. From the perusal of record, it comes out that petitioner has created unwanted mess by filing multiple petitions before multiple Authorities and Civil Court. He was awarded punishment of warning which is not contemplated by Rule 16.1 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short '**PPR**'). Appeal under Rule 16.29

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of PPR is maintainable against punishment order, however, every punishment is not amenable to appeal. No appeal lies against order of warning or censure, thus, petitioner wrongly filed appeal before first Appellate Authority and thereafter revision before Revisionary Authority. As revision was not maintainable, the Revisionary Authority instead of passing formal order of dismissal recorded file noting dated 18.03.2021. The DGP further directed Inspector General of Police ('IGP') to exercise power conferred by Rule 16.28 of PPR. IGP exercised power conferred by Rule 16.28 and approved punishment of warning awarded by Disciplinary authority. The petitioner is not aggrieved from award of warning, however, is aggrieved from absence of order counting his suspension period as duty period. He is not claiming full salary for the said period, however, wants that said period should be counted in his length of service. The respondent has not passed any specific order.

7. In the backdrop, petition stands disposed of with the observation that jurisdictional Superintendent of Police shall pass a reasoned order within two months from today in case he is of the opinion that period of suspension should not be counted towards length of service. If no such order is passed within the stipulated period, it shall be assumed that he has agreed that suspension period would be counted towards length of service. It is made clear that petitioner shall not be entitled to salary for the suspension period.

(JAGMOHAN BANSAL)
JUDGE

30.09.2025*Mohit Kumar*

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