



125

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

CWP-37038-2025

Date of decision: 22.12.2025

Sandeep Singh

....Petitioner

Versus

Punjab State Civil Supplies Corporation Limited (PUNSUP) ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Padamkant Dwivedi, Advocate and
Ms. Ayushi, Advocate
for the petitioner.Ms. Sunint Kaur, Advocate
for the respondent.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 30.05.2024 (Annexure P-14) passed by the respondent and further, for issuance of a writ in the nature of *mandamus* directing the respondent to pass an appropriate order confirming the probation period of the petitioner on completion of one year of service i.e. w.e.f. 17.03.2018 and to fix the pay of the petitioner after granting him benefits of annual increments along with arrears and interest @ 6% per annum.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was promoted as an Inspector Grade-I on 17.03.2017 as discernible from Annexure P-2. The probation period for the same was one year. The petitioner has satisfactorily completed the probation period of one year and till



CWP-37038-2025

-2-

date, he has not been confirmed on the post of Inspector Grade-I as discernible from Annexures P-3 to P-5, respectively. Further, the time bound ACP scale has not been paid to the petitioner in spite of rendering the requisite period of service. The claim of the petitioner has been denied merely on account of two charge sheets issued on 07.03.2018 and 10.05.2018 (Annexures P-6 & P-7, respectively). The fundamental issue involved in the aforesaid charge sheet is regarding the storage gain. The charge sheets have been rendered infructuous in terms of the judgment passed by this Court in CWP No.27725 of 2013 titled as '*Punjab State Warehousing Corporation Field Employees Union Vs. Union of India and others*' decided on 14.05.2025 (Annexure P-10). In case on account of moisture gain or storage loss, any surviving grievance has to be dealt with in terms of the new norms and also in light of the aforesaid judgment. The claim of the petitioner for confirmation is rejected cited pending charge sheets since 2018. He further submits that the petitioner also submitted a legal notice dated 22.03.2024 (Annexure P-12) and approached this Court by way of filing CWP No.8897 of 2024 in which a direction was issued to decide the legal notice in a time bound manner. In purported compliance, the impugned order dated 30.05.2024 (Annexure P-14) is passed denying the confirmation of promotion and ACP benefits.

Learned counsel for the petitioner further submits that the case of the petitioner is squarely covered by the judgment rendered by this Court in CWP No.17435 of 2024 titled as '*Pritpal Singh Vs. Punjab State Civil Supplies Corporation Limited (PUNSUP) and another*' decided on 23.09.2025 (Annexure P-16).



3. Per contra, learned counsel for the respondent-Corporation submits that the charge sheets (Annexures P-6 & P-7) are pending against the petitioner. However, she could not controvert the fact that issue regarding the charge sheet is no longer *res integra* and this Court has dealt with the issue of moisture gain in extenso in ***Punjab State Warehousing Corporation Field Employees Union's case (supra)*** in which the following was observed:-

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19. It is directed that any dispute pending consideration on the allegations for which employee faced various charge sheets/punishment on the said issue are also to be decided on the basis of the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022, which has been framed after due inputs by the experts on the issue of the weight gain by the food grains during the storage. The said policy will be made applicable for all intent and purposes on the issue which are pending consideration inter se between food agency i.e. Food Corporation of India as well as by the various Food Agencies of the Government of Punjab as well as upon the claim being raised by the employees wherein they have been alleged to have misconducted themselves qua the aspect of the weight gain/loss in the food grains during the time they were stored or any punishment, which may have been imposed upon them which has still not attained finality. The non-attaining of finality of the issue between the parties means also the pendency of the writ petitions by such employees before this Court, which will also be treated as pending disputes so as to give jurisdiction to such employees to decide the allegations alleged against them of punishment imposed to be decided in view of the policy dated 22.10.2021.

20. Keeping in view the facts and circumstance of the present case and the observations of this Court, it is directed that in case, any employee raises any grievance who is before this Court, whose punishment or charge sheet has not attained finality, will be free to raise his/her objection with regard to action taken against them qua the aspect of shortage/the weight gain/loss in the food grains, which were in the custody of such employee with



the authorities concerned by filing appropriate representation that the allegations alleged against them or the allegations accepted against them are contrary to the policy, which has been issued by the Government of India dated 22.10.2021 which are to be made applicable upon them.

21. In case any such grievance is raised by the employees concerned, the Agency concerned will be under an obligation to look into the aspect/grievances raised by such employee in terms of the policy/standard operating process dated 22.10.2021 of the Government of India and pass an appropriate speaking order whether any action/order passed by such agency needs reconsideration or not in view of the policy/standard operating process dated 22.10.2021. In case, it is found that the objections raised by the employee concerned are meritorious, appropriate decision be taken either to withdraw the disciplinary proceedings or where punishment orders have been passed then to suitably modify the punishment order keeping in view the facts and circumstances of each case in light of the policy in question.

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26. Further, there are interim orders for stay on the punishment imposed upon the petitioner(s) employees as well as the proceedings which are being initiated against the employees qua the aspect of weight gain/shortage in the food grains stored, which fact has now to be reconsidered in case raised by an employee concerned hence, any employee who raises the objections with regard to the punishment imposed or the proceedings initiated by placing reliance upon the policy/standard operating process dated 22.10.2021 and letter dated 30.05.2022, till the said claim is decided by the authorities concerned, no coercive action be taken against them. However, after the decision of the authorities concerned on such representation, agencies concerned they will be within their right to get the said order implemented.

27. It may be noticed that only the representation which is made up to 30.06.2025 will be looked into by the authorities concerned in terms of the present order.



28. *Present petitions are disposed of in above terms.*

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4. I have heard learned counsel for the parties and on perusal of the record, it transpires that the sole ground for denying confirmation and ACP benefits to the petitioner is the pendency of charge sheets, which pertain to the issue of moisture/storage gain. The issue regarding confirmation on completion of probation period has been that already stands settled by this Court in ***Pritpal Singh's case (supra)***, operative part of the same is reproduced as under:-

'6. A Constitutional Bench of the Hon'ble Supreme Court in ***State of Punjab v. Dharam Singh, 1968 SCC OnLine SC 66***

"5. In the present case, Rule 6(3) forbids extension of the period of probation beyond three years. Where, as in the present case, the service rules fix a certain period of time beyond which the probationary period cannot be extended, and an employee appointed or promoted to a post on probation is allowed to continue in that post after completion of the maximum period of probation without an express order of confirmation, he cannot be deemed to continue in that post as a probationer by implication. The reason is that such an implication is negated by the service rule forbidding extension of the probationary period beyond the maximum period fixed by it. In such a case, it is permissible to draw the inference that the employee allowed to continue in the post on completion of the maximum period of probation has been confirmed in the post by implication."

7. *In the present case, the petitioner's probation, extendable up to a maximum of three years, ended on 14.10.2004. His continuation in service beyond that date, without any order of discharge, leads to the inescapable conclusion that he stands deemed confirmed in service w.e.f. 15.10.2004. The respondents' inaction cannot prejudice the petitioner's statutory right to confirmation.*



8. Further, A Two Judge Bench of the Hon'ble Apex Court in **Director (Admn. and HR) KPTCL v. C.P. Mundinamani 2023 INSC 352**, while speaking through Justice M.R Shah made the following observations,

“6.7.....and denying a government servant the benefit of annual increment which he has already earned while rendering specified period of service with good conduct and efficiently in the last preceding year. It would be punishing a person for no fault of him. As observed hereinabove, the increment can be withheld only by way of punishment or he has not performed the duty efficiently. Any interpretation which would lead to arbitrariness and/or unreasonableness should be avoided.....”

9. *The increment earned by an employee stands as an acknowledgment of services duly rendered during the preceding period. It is a vested right accruing over the course of performance, distinct from any assessment of future conduct. Observing the procedural safeguards, the mere registration of an FIR does not equate to misconduct or guilt but serves only as a marker of a future investigation whose outcome remains uncertain. Consequently, withholding increments on this tentative basis disrupts the principle of fairness, as it punishes an individual without a conclusive determination. Only an adjudicated penalty imposed following a formal disciplinary process provides justifiable grounds for withholding increments. This ensures that employees are not subjected to arbitrary deprivation while preserving the sanctity of disciplinary authority. The balance thus lies in upholding the right to earned increments unless and until a lawful punishment intervenes, maintaining both the rule of law and equity.’*

5. In the wake of the above discussion, the present writ petition is allowed and the impugned order dated 30.05.2024 (Annexure P-14) is hereby set aside. The respondent(s)/competent authority is directed to grant admissible annual increments to the petitioner upon completion of the probation period of one year consequent to his promotion dated 17.03.2017 (Annexure P-2). The

respondent(s) is further directed to confirm the petitioner on completion of the probation period and release his due ACP benefits forthwith, preferably within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

22.12.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No