



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

**119**

**CWP-7151-2026 (O&M)  
Date of decision: 10.03.2026**

Pawan Kumar @ Pawan

....Petitioner

Versus

Punjab State Civil Supplies Corporation Limited (PUNSUP) and  
another

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Padamkant Dwivedi, Advocate  
and Ms. Ayushi, Advocate  
for the petitioner.

Mr. Avikaran Bansal, Advocate  
for Mr. Deepak Gupta, Advocate  
for the respondents.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to clear the probation period of the petitioner on the post of Inspector Grade-I w.e.f. 19.03.2018 i.e. on completion of one year from his promotion made vide order dated 17.03.2017 (Annexure P-2) and consequently fix the pay of the petitioner after granting him benefits of annual increments w.e.f. 19.03.2018 along with interest @ 9% per annum.

2. The brief facts of the case are that the petitioner was initially appointed as Inspector Grade-II in Punjab State Civil Supplies



Corporation Limited (PUNSUP) on 21.10.2011. Thereafter, he was promoted to the post of Inspector Grade-I vide order dated 17.03.2017 and he joined the said post on 20.03.2017. As per the terms of promotion, the petitioner was required to undergo probation for a period of one year, which was extendable in accordance with the applicable rules. The petitioner successfully completed the probation period on 19.03.2018. However, neither any order confirming the petitioner nor any order extending his probation period was passed by the respondents. The petitioner continued to discharge duties on the promoted post. Despite successful completion of probation, the respondents have failed to clear the probation period of the petitioner and also withheld the annual increments to which the petitioner was otherwise entitled. The petitioner had earlier been issued a charge-sheet dated 05.01.2018 relating to alleged loss caused to the respondent/PUNSUP on account of less storage gain in wheat stocks for the crop year 2012-13. Subsequently, the recovery was ordered vide order dated 25.11.2022 which was upheld by the appellate authority on 11.04.2023. The petitioner also submitted a representation dated 20.06.2023 requesting clearance of his probation period and release of increments, however no decision has been taken thereon. Aggrieved by the inaction on the part of the respondents in clearing his probation period and granting consequential benefits, the petitioner has approached this Court through the instant writ petition.



3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was promoted on 17.03.2017 and successfully completed the probation period of one year on 19.03.2018. He further submits that no order extending the probation period or reverting the petitioner to his previous post was ever passed. Therefore, once the petitioner was allowed to continue on the promoted post beyond the probation period, he shall be deemed to have been confirmed in service in terms of the law laid down by the Hon'ble Supreme Court in ***State of Punjab v. Dharam Singh, AIR 1968 SC 1210***. Further denial of annual increments to the petitioner is arbitrary and contrary to the law laid down by the Hon'ble Supreme Court in ***Director (Admn. & HR), KPTCL v. C.P. Mundinamani, 2023 INSC 352*** wherein it has been held that increments already earned by an employee cannot be withheld without valid justification. Learned counsel for the petitioner further submits that similarly situated employees, who were also promoted with the petitioner and faced the similar charge-sheet on the allegation of less storage gain, have already been granted relief by this Court in **CWP-17435-2024**, titled as ***Pritpal Singh v. Punjab State Civil Supplies Limited (PUNSUP) and another***, decided on 23.09.2025 and **CWP-37038-2025**, titled as ***Sandeep Singh v. Punjab State Civil Supplies Limited (PUNSUP)***, decided on 22.12.2025, and therefore the petitioner is also entitled to the same relief.

4. *Per contra*, learned counsel for the respondents submits that there are serious allegations against the petitioner and disciplinary



proceedings had been initiated against him on account of alleged loss caused to the respondent/PUNSUP due to less storage gain. He further submits that since the matter was under consideration and recovery had been ordered against the petitioner, the respondents were justified in not clearing the probation period and withholding the increments of the present petitioner and as such, the present petition is liable to be dismissed.

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

6. It is not in dispute that the petitioner was promoted to the post of Inspector Grade-I on 17.03.2017 and he joined the said post on 20.03.2017. The prescribed probation period was one year. The petitioner completed the probation period on 19.03.2018 and admittedly, no order extending the probation period of the petitioner was passed by the respondents. The petitioner continued to discharge duties on the promoted post thereafter.

7. The issue regarding moisture gain has already been considered *in extenso* by this Court in **CWP-27725-2013**, titled as ***Punjab State Warehousing Corporation Field Employees Union vs Union of India and others***, decided on **14.05.2025**, by making the following observations:-

*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.*

*XX XX XX XX*

*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.*

8. Further, the issue regarding deemed confirmation after expiry of probation period stands settled by the Hon'ble Supreme Court in ***Dharam Singh's case (supra)***, wherein it has been held that where the rules prescribe a maximum period of probation and the employee continues beyond the said period without any adverse order, the employee shall be deemed to have been confirmed.

9. In the present case, the respondents have failed to produce any order extending the probation period of the petitioner or reverting him to his previous post. The petitioner has continued to serve on the promoted post for several years. Therefore, the petitioner is deemed to have successfully completed the probation period.

10. Furthermore, the denial of annual increments already earned by the petitioner cannot be justified in view of the law laid down by the Hon'ble Supreme Court in ***C.P. Mundinamani's case (supra)***, which clearly holds that withholding of increments amounts to penal action unless specifically authorized by law.

11. Moreover, this Court also finds that similarly situated employees have already been granted relief by this Court in ***Pritpal Singh's case (supra)*** and ***Sandeep Singh's case (supra)***. The operative



part of the judgment passed in ***Pritpal Singh's case (supra)***, reads as follows:-

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.*

12. In view of the above discussions, the action of the respondents in not clearing the probation period of the petitioner and denying him annual increments cannot be sustained in the eyes of law.



Consequently, the present writ petition is allowed in terms of *Sandeep Singh's case (supra)* and the respondents are directed to:

- a) Pass a formal order declaring the petitioner to have successfully completed the probation period on the post of Inspector Grade-I w.e.f. 19.03.2018.*
- b) Grant the petitioner all consequential benefits including annual increments w.e.f. 19.03.2018.*
- c) Refix the pay of the petitioner and release the arrears along with interest @ 6% per annum from the date the said amount became due till its actual payment.*

13. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.
14. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)  
JUDGE

10.03.2026  
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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |