



CWP-10475-2007 (O&amp;M)

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

201

CWP-10475-2007 (O&amp;M)

Date of Decision: 04.02.2026

ASI Basau Ram (deceased) through his LRs

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. K.S. Sidhu, Advocate and  
Ms. Kirandeep Kaur, Advocate for the petitioner  
Mr. Akshit Pathania, Assistant Advocate General, Haryana  
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**JAGMOHAN BANSAL, J.** (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of orders whereby he was awarded punishment of forfeiture of 2 increments with permanent effect and his representation against adverse remarks in the Annual Confidential Report ('ACR') was rejected.

2. The petitioner joined Haryana Police as Constable on 09.04.1984. He rose through the ranks and was promoted as Assistant Sub-Inspector. The respondent initiated departmental inquiry against him alleging that he along with his co-worker accepted illegal gratification to the tune of ₹65,000/- and let-off a truck containing illicit liquor. The Inquiry Officer found him guilty of alleged misconduct and Disciplinary Authority vide order dated 20.11.2006 awarded him punishment of forfeiture of 2 increments with permanent effect. He preferred appeal and Appellate Authority vide order dated 13.04.2007 dismissed the same. The competent authority recorded his ACR for the period from 24.07.2005 to 31.03.2006.



The Reporting Authority assessed him as unreliable officer and not having a good reputation *qua* honesty. The remarks of the Reporting Officer were communicated to him on 18.07.2006. He preferred representation against adverse remarks before Higher Authority. His representation came to be dismissed vide communication dated 14.06.2007. The representation was dismissed after considering comments of the Reporting Authority.

3. Learned counsel for the petitioner submits that petitioner was wrongly implicated. He had not committed alleged offence. The Inquiry Officer did not appreciate evidence in true spirit and held him guilty. The Appellate Authority has passed impugned order mechanically and without application of mind. The petitioner has passed away, thus, he does not press his remaining prayers.

4. Learned State counsel reiterated contents of impugned orders and submitted that no interference is warranted because there is no infirmity in the impugned orders. The petitioner has not availed the remedy of revision.

5. Heard the arguments and perused the record.

6. The allegation against the petitioner was that he accepted a sum of ₹65,000/- and let-off a truck containing illicit liquor. The respondent never seized or recovered alleged illicit liquor. There was no concrete evidence of detaining the truck having illicit liquor and thereafter, release on receipt of illegal gratification. Suspicion, as strong as it may be, cannot substitute evidence. No one can be punished on the basis of suspicion. It is true that standard of evidence in departmental proceedings is preponderance of probability and authorities are not supposed to establish their case beyond



reasonable doubt, however, there must be some evidence to connect the delinquent with alleged offence. In the absence of *prima facie* evidence, no one can be punished.

7. In the case in hand, there was no concrete evidence establishing alleged offence. The Appellate Authority mechanically dismissed appeal of the petitioner. The Appellate Authority miserably failed to appreciate contention of the petitioner. The authorities were duty bound to produce either alleged illicit liquor or any other concrete evidence establishing that petitioner firstly detained truck having illicit liquor and thereafter released after accepting a sum of ₹65,000/-. It is a case of no evidence. It is settled law that no employee can be punished in the absence of evidence. Suspicion cannot be a ground for punishment.

8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Impugned orders are hereby set aside. The respondent shall restore two increments retrospectively and release arrears without interest within six months from today, failing which respondent would be liable to pay interest on arrears @ 6% per annum from the expiry of said period.

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

(JAGMOHAN BANSAL)  
JUDGE

**04.02.2026**  
*Mohit Kumar*

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