



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

CWP-9990-2025

Reserved on : 08.01.2026

Pronounced on : 14.01.2026

Uploaded on : 14.01.2026

Preetmohinder Singh SahotaPetitioner
Versus

The State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by : Mr. Sehaj Bir Singh, Advocate with
Mr. Dhruv Khosla, Advocate for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR, J.

1. The petitioner has invoked the writ jurisdiction of this Court by filing the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, for quashing the order dated 19.03.2025 (Annexure P-8), vide which he has been ordered to be reverted from the post of Deputy Director, Department of Rural Development and Panchayat to the post of District Development and Panchayat Officer (DDPO).

2. The undisputed facts of the case are that the petitioner joined the services in the State of Punjab as Block Development and Panchayat Officer on 25.08.1995 (Annexure P-1) and was promoted to the post of District Development and Panchayat Officer (DDPO) on 05.10.2011 (Annexure P-2). He was issued chargesheet dated 28.08.2014 (Annexure P-3) under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (hereinafter referred to as '1970 Rules') for imposition of major punishment, on the allegation for not

getting deposited the bidding amount of Rs.2,15,000/- in advance from the land owners of the auction of the *shamlat* land of the panchayati land of Gram Panchayat, Chandu for the year 2012-13 and in this manner the Gram Panchayat had suffered financial loss. During the pendency of the disciplinary proceedings pending against the petitioner, a meeting of the Departmental Promotion Committee was held on 25.10.2019 for promotion to the vacant posts of Deputy Director, Panchayat and the case of the petitioner for promotion was also considered and the recommendations were kept in a sealed cover owing to the pendency of the disciplinary proceedings under Rule 8 of 1970 Rules. Thereafter, on 07.02.2020, the petitioner was promoted as Deputy Director, Panchayat, on adhoc basis (Annexure P-5), after opening the sealed cover of the promotion of the petitioner, subject to the condition that if he is found guilty and any punishment is awarded to him in the disciplinary proceedings, then the promotion will be subject to its effect. Thereafter, vide order dated 01.02.2023, the petitioner was awarded the punishment of stoppage of 3 annual increments without cumulative effect on the approval given by the Punjab Public Service Commission. Owing to the award of punishment in the disciplinary proceedings, he was ordered to be reverted from the post of Deputy Director, Panchayat to the post of DDPO, vide order dated 19.03.2025 (Annexure P-8), which has been impugned in the present petition.

3. Reply by way of an affidavit of Rupali Tondon, Deputy Secretary to Government of Punjab, Department of Rural Development and Panchayats, Vikas Bhawan, SAS Nagar, has been filed on behalf of

respondents No.1 and 2 wherein it has been stated that the petitioner was granted promotion to the post of Deputy Director strictly on adhoc, conditional, and provisional terms, with a categorical stipulation that such promotion would be subject to the outcome of the pending disciplinary proceedings and that in the event, the petitioner was found guilty and any punishment is awarded, the promotion would automatically be “subject to its effect” and these conditions were known to the petitioner and were consciously accepted by him. Since the disciplinary proceedings culminated into the passing of the punishment order dated 01.02.2023, based on Punjab Public Service Commission's concurrence, whereby the petitioner was held guilty and awarded the punishment of stoppage of 3 annual increments without cumulative effect, and since the said punishment was never challenged by the petitioner and has attained finality, therefore, the petitioner has rightly been reverted to the post of DDPO.

4. Learned counsel for the petitioner submitted that, firstly, while reverting the petitioner to the post of DDPO, no opportunity of personal hearing was awarded to him. Secondly, it was contended that the petitioner has effectively been subjected to two punishments—one being stoppage of 3 annual increments without cumulative effect and the other being reversion—which, according to the petitioner, amounts to violation of the provisions of Article 20(2) of the Constitution of India.

5. *Per contra*, learned State counsel submitted that since the promotion of the petitioner to the post of Deputy Director, Panchayat, was an adhoc promotion and the same was subjected to the condition of

punishment, if any, in the disciplinary proceedings, therefore, the petitioner has rightly been reverted to the post of DDPO owing to the punishment awarded to him of stoppage of 3 annual increments without cumulative effect, vide order dated 01.02.2023, and the action of the respondent-department is perfectly legal and valid.

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

7. The only question which arises for determination by this Court in the present case is as to whether reversion of the petitioner from the post of Deputy Director, Panchayat to the post of DDPO is legal and valid or not?

8. The facts are not in dispute that while the petitioner was working as DDPO, he was issued chargesheet dated 28.08.2014, under Rule 8 of 1970 Rules, and during the pendency of the disciplinary proceedings, a meeting of Departmental Promotion Committee was held on 25.10.2019 for promotion to the vacant posts of Deputy Director, Panchayat and the case of the petitioner for promotion was also considered and was kept in a sealed cover. Since the disciplinary proceedings remained pending for a considerable period, the said sealed cover was opened and the petitioner was given adhoc promotion to the post of Deputy Director, vide order dated 07.02.2020 (Annexure P-5), subject to the final outcome of the disciplinary proceedings. The disciplinary proceedings culminated into passing of the punishment order dated 01.02.2023 (based on Punjab Public Service Commission's concurrence), whereby the petitioner was held guilty and awarded punishment of stoppage of 3 annual increments without cumulative

effect, and owing to the said punishment, the petitioner has been ordered to be reverted from the post of Deputy Director, Panchayat, to the post of DDPO.

9. So far as the argument raised by the learned counsel for the petitioner that the petitioner was not given any opportunity of personal hearing before his reversion to the post of DDPO is concerned, it may be noticed that the promotion of the petitioner to the post of Deputy Director, Panchayat was an adhoc promotion with the condition that the same would be subject to the final outcome of the disciplinary proceedings. Admittedly, in the disciplinary proceedings, the petitioner has been awarded punishment of stoppage of 3 annual increments without cumulative effect, vide order dated 01.02.2023, which has resulted into the reversion of the petitioner. Since the promotion of the petitioner was adhoc and conditional promotion, therefore, there is no violation of the principles of natural justice in reverting the petitioner to the post of DDPO. It is a settled proposition of law that an employee cannot claim promotion as a matter of right during the currency of the punishment. Reference in this regard can be made to the judgement of the Hon'ble Supreme Court in *State of Tamil Nadu v. Thiru K.S. Murugesan : 1995(3) SCT 345*, wherein it has been held that granting promotion during the currency of punishment would amount to giving premium on the misconduct and the employee cannot claim promotion during the currency of punishment. The said judgment has been followed by this Court in *Subhash Gakhar v. State of Haryana : 2013(1) RSJ 39* and *Kuljinder Singh v. Registrar, Punjab and Haryana High Court : 2011(1) SCT 166*. To the similar effect is the

judgment of a Division Bench of this Court in ***State Bank of India v.***

Suteekshan Mird : 2025 NCPHHC 8524, wherein it has been held as

under:-

“25. However, we are of firm view that a person cannot earn a promotion during the pendency of a punishment order. If a person has been punished with stopping of increments for a particular period, he cannot be granted promotion during that period, because on promotion, he would be entitled for increment. Both the things cannot go together.

26. In *Union of India and others v. K.V. Jankiraman and others, (1991) 4 SCC 109*, the Supreme Court observed as under:

"29. According to us, the Tribunal has erred in holding that when an officer is found guilty in the discharge of his duties, an imposition of penalty is all that is necessary to improve his conduct and to enforce discipline and ensure purity in the administration. In the first instance, the penalty short of dismissal will vary from reduction in rank to censure. We are sure that the Tribunal has not intended that the promotion should be given to the officer from the original date even when the penalty imparted is of reduction in rank. On principle, for the same reasons, the officer cannot be rewarded by promotion as a matter of course even if the penalty is other than that of the reduction in rank. An employee has no right to promotion. He has only a right to be considered for promotion. The promotion to a post and more so, to a selection post, depends upon several circumstances. To qualify for promotion, the least that is expected of an employee is to have an unblemished record. That is the minimum expected to ensure a clean and efficient administration and to protect the public interests. An employee found guilty of a misconduct cannot be placed on par with the other employees and his case has to be treated differently. There is, therefore, no discrimination when in the matter of promotion, he is treated differently. The least that is expected of any administration is that it does not reward an employee with promotion retrospectively from a date when for his conduct before that date he is penalised in praesenti. When an employee is held guilty and penalised and is, therefore, not promoted at least till the date on which he is penalised, he cannot be said to have been subjected to a further penalty on that account. A denial of promotion in

such circumstances is not a penalty but a necessary consequence of his conduct. In fact, while considering an employee for promotion his whole record has to be taken into consideration and if a promotion committee takes the penalties imposed upon the employee into consideration and denies him the promotion, such denial is not illegal and unjustified. If further, the promoting authority can take into consideration the penalty or penalties awarded to an employee in the past while considering his promotion and deny him promotion on that ground, it will be irrational to hold that it cannot take the penalty into consideration when it is imposed at a later date because of the pendency of the proceedings, although it is for conduct prior to the date the authority considers the promotion. For these reasons, we are of the view' that the Tribunal is not right in striking down the said portion of the second sub-paragraph after clause (iii) of paragraph 3 of the said Memorandum. We, therefore, set aside the said findings of the Tribunal."

27. Having considered the law as above, we find that the respondent/writ petitioner could not have been promoted with effect from 14.08.2017 on account of currency of his punishment. However, his case was required to be considered afresh after the currency of the punishment lost its effect i.e. from 17.12.2017 onwards. Vacancy was available as on 17.12.2017, and the Promotion Committee would therefore have to take into consideration his record as on 17.12.2017 ignoring the minor punishment, which lost its relevancy.

28. It is settled law that the Courts would not themselves direct or declare anyone as promoted from a particular date, because promotion of an individual not only requires consideration of his eligibility but other aspects also."

10. To the same effect is the judgment of this Court in **N.R.**

Garg (now deceased) through his LR v. State of Punjab and another : 2025 NCPHHC 20033.

11. So far as the contention raised by learned counsel for the petitioner that the petitioner has been awarded two punishments is concerned, the same is liable to be rejected at the threshold as only one punishment has been awarded to the petitioner i.e. stoppage of 3 annual increments without cumulative effect, vide order dated 01.02.2023, and

the reversion of the petitioner is not under Rule 5 of 1970 Rules and the same is as per condition imposed in his adhoc promotion, which was made, vide order dated 07.02.2020 i.e. subject to the outcome of disciplinary proceedings.

12. In view of the above discussion, there is no merit in the present petition and the same is hereby dismissed with no order as to costs.

14.01.2026

Vinay

(NAMIT KUMAR)
JUDGE

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