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

**CWP-542-2006 (O&M)
Date of Decision: 27.01.2026**

SULTAN SINGH & OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL.

Present:- Mr. Aditya Yadav, Advocate with
Mr. Atul Bhardhwaj, Advocate for petitioners

Mr. Ravi Pratap Singh, DAG, Haryana with
Mr. Akshit Pathania, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 11.12.2003 whereby Inspector General of Police, Ambala Range, Ambala has enhanced the punishment awarded by disciplinary authority.

2. The petitioners belong to Haryana Police Force. In 2001, they were posted at Police Post, Titram, District Kaithal. In the intervening night of 05/06.12.2001, Deputy Superintendent of Police checked *Naka* Titram at 01:30 A.M. The petitioners were present on duty. Two-three trucks were lying parked there. The DSP asked reason for standing at *Naka* from one driver who disclosed that policemen are demanding Rs.200/- from each driver. The petitioners were placed under suspension. They were subjected to departmental inquiry wherein they were found guilty. The disciplinary authority vide order dated 16.07.2003 awarded them punishment of forfeiture of one increment with



permanent effect. They preferred appeals before Appellate Authority which issued them show cause notice proposing punishment of dismissal from service. The notice was issued in exercise of power conferred by Rule 16.28 of Punjab Police Rules, 1934 (for short, “PPR”). The petitioners filed reply to show cause notice. The Appellate Authority dismissed their appeals and enhanced punishment from forfeiture of one increment to three increments. They preferred appeal before Director General of Police who vide order dated 29.03.2005 dismissed the same.

3. Learned counsel for the petitioners submit that petitioners preferred appeal before appellate authority who did not consider their appeal in true spirit. The appellate authority not only dismissed their appeals but also enhanced punishment. There was no witness against them. Deputy Superintendent of Police made inquiry from one truck driver who did not support case of prosecution during departmental inquiry.

4. *Per contra*, learned State counsel submits that Rule 16.28 of PPR permits higher authority to review order of subordinates. Higher authority may pass such order as deemed fit. In the present case, the appellate authority found that punishment awarded is disproportionate to alleged offence, thus, issued show cause notice and passed impugned order of punishment.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that appellate authority has passed impugned order in exercise of power conferred by Rule 16.28 of PPR. Rule 16.28 of PPR for the ready reference is reproduced as below:

“16.28 Powers to review proceedings. - (1) The Inspector General, a Deputy Inspector-General, and a Superintendent of Police may call for the records of awards made by their Subordinates and confirm, enhance, modify or annul the same,



or make further investigation or direct such to be made before passing orders. The State Government may also call for the records and review the awards made by the Inspector General of Police, Punjab or by any other authority subordinate to him.

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by reinstatement, or not. The order should also state whether service previous to dismissal should count for pension or not.

(3) In all cases in which officers purpose to enhance an award they shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.”

7. As per aforesaid Rule, Inspector General of Police/Deputy Inspector General of Police/Superintendent of Police may call for the records of awards made by his subordinates and enhance the same. It means higher authorities carry power to enhance quantum of punishment. This Court has noticed that officers normally exercise power under said Rule where appeal is filed by delinquent. The said Rule is not implemented in true spirit. The disciplinary authority must send copy of award to higher authority which should consider the award and pass an order accepting or rejecting the award. If this practice is followed, there would be check and balance over manner of power exercised by disciplinary authorities. The higher authorities would come to know nature of award passed by authorities below.

8. In the case in hand, the disciplinary authority as per its wisdom awarded punishment of forfeiture of one increment. The petitioners were declared guilty on the basis of preliminary inquiry conducted by Deputy Superintendent of Police. No evidence unearthed during regular departmental inquiry. Accordingly, punishment of forfeiture of one increment was awarded.

The appellate authority on one hand issued show cause notice proposing



punishment of dismissal from service and on the other simply enhanced quantum of punishment from stoppage of one increment to three increments. There was no justification to enhance said punishment. The appellate authority issued show cause notice because petitioners filed appeals. It is not a case where appellate authority at its own initiated proceedings whereas it is a case where on account of filing of appeals, the appellate authority issued show cause notice and thereafter passed impugned order enhancing punishment. This Court finds that there was no plausible reason to enhance punishment. The appellate authority had enhanced punishment in a mechanical manner. In the absence of categorical findings supported with reasons, there was no occasion to enhance punishment especially while hearing appeals of the petitioners.

9. In the wake of above discussions and findings, the impugned order dated 11.12.2003 is hereby set aside and order dated 16.07.2003 passed by disciplinary authority is restored. The petitioners would be entitled to consequential benefits, however, without interest.

10. It would be appropriate if Director General of Police, Haryana issues directions in the light of observations made in Para No.7 of this order.

11. Pending Misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.01.2026
SDK

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