



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

LPA-2805-2025 (O&M)
Date of decision: 21.04.2026

Joginder

...Appellant

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Aditya Yadav, Advocate
for the appellant.

Mr. Saurabh Mohunta, D.A.G. Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Letters Patent Appeal arises out of an order dated 21.08.2025 passed by the learned Single Judge, whereby, the petitioner's claim for promotion to the post of Assistant Sub-Inspector has been rejected.

2. Facts as are undisputed are that the appellant was enrolled as a Constable in Haryana Police on 08.01.1999 and was promoted to Head Constable on 01.01.2010. He came to be implicated in a criminal case pursuant to an FIR No. 450 dated 11.09.2016, under Sections 167, 193, 342, 120-B of the Indian Penal Code, 1860. The regular Departmental Enquiry was initiated and he was dismissed from service. This order has been subsequently modified in revision with punishment of dismissal substituted with that of withholding of two increments with cumulative effect. In a mercy appeal, this order has further been modified to withholding of two entries without cumulative effect.

It is thereafter that the claim of promotion has been put forth, which has since



been rejected.

3. Learned Single Judge has referred to Rule 13.9 of Punjab Police Rules, as applicable to the State of Haryana, which requires a Head Constable to be admitted to this list for promotion only if he is thoroughly efficient in all branches of duty and has established integrity. Learned Single Judge has rendered the following reasons for rejecting the claim of the appellant:-

"7. From the perusal of above quoted Rule, it is evident that a Head Constable can be promoted if he is thoroughly efficient and is of established integrity. Documents on record do not support case of the petitioner. Though the Authorities have reduced the quantum of punishment, however, findings recorded by the Enquiry Officer are not disturbed. The petitioner is further facing criminal trial which establishes that it cannot be called that he is thoroughly efficient or a man of established integrity."

4. Reliance is also placed upon the Division Bench judgment of this Court arising out of CWP-12011-2020 to non-suit the appellant.

5. Learned counsel for the appellant has placed reliance upon the Haryana Police (Non Gazetted and Other Ranks) Service Rules, 2017, which regulate promotion to the post of Assistant Sub-Inspector. The appendix 'B' to the Rules specifies the eligibility for the promotion to Assistant Sub-Inspector as working on the post of Head Constable on the first day of April of the year, in which consideration for promotion was to take place and the candidate should have passed intermediate School Course. Rule 12 makes reference to seniority of enrolled Police Officers. Rules 12 (7) and (9) have been relied upon, which reads as under:-

"(7) No promotion shall be given to Head Constables to the



higher rank unless he/she passes the prescribed mandatory Intermediate School Course as prescribed for promotion. Seniority in the rank of Assistant Sub-Inspector shall be determined after passing the Intermediate School Course only. Whereas, the Upper School promotion course shall only be qualifying in nature and shall have no bearing on promotion and the inter-se-seniority of police personnel.

xxx

xxx

xxx

xxx

(9) As and when sufficient number of posts in any rank under promotion quota falls vacant, the Director General of Police may constitute one or more Departmental Promotion Committees as required for filling up vacant posts. Each of the Departmental Promotion Committees shall be headed by an officer not below the rank of a Deputy Inspector General of Police for promotion to the rank of Assistant Sub-Inspector and Sub-Inspector and by a Superintendent of Police for promotion to the rank of Head Constable. The Departmental Promotion Committee shall examine the record of all eligible candidates and make recommendations for promotion as per their seniority and in accordance with the instructions and guidelines prescribed by the State Government from time to time. The Departmental Promotion Committee shall ensure that,-

(a) any minor or major punishment having a bearing on integrity of the candidate during the last ten years or reliability during the last two years of service shall be a bar on promotion, irrespective of the grading in the annual confidential report;

(b) during pendency of a regular departmental enquiry under the rules, no promotion shall be granted.

(c) pendency of an appeal against an order of acquittal by a competent court in a criminal case against a candidate shall not be a bar on promotion;



(d) during pendency of an appeal against an order of conviction, no promotions shall be granted;

(e) the period for which a candidate remains out of service due to discharge or dismissal from service or absence from duty etc. shall be deducted from the qualifying service prescribed for promotion to the higher ranks;

(f) the seniority of reserved category candidates shall be in accordance with the instructions and guidelines prescribed by the State Government from time to time;"

6. Learned counsel for the appellant submits that once the minor punishment ultimately awarded to the appellant of temporary withholding the annual increment for a period of two years has expired, the order of punishment cannot be made basis for denying promotion to the appellant. It is also submitted that it is only in the case of conviction that criminal proceedings can be relied upon to deny promotion.

7. It is submitted that there is no provision in the Rule which provides that the claim of promotion can be discarded on account of pendency of criminal proceedings.

8. *Per contra*, learned State counsel argues that in the facts of the case, the integrity of the appellant has been found to be in grave doubt and though the punishment has been reduced, but the finding with regard to guilt remains, which disentitled him to grant of promotion.

9. Having heard the learned counsel for the parties and upon perusal of the materials on record, we find that the disciplinary authority of the appellant on 28.02.2017 held the appellant guilty of registering false cases against three persons, namely, Kanhaiya, Vinod @ Vicky and Sunil. The FIR was lodged on the allegations that the police official on his personal grudge



against the three accused has lodged false FIR and refused to register the complaint of the concerned three persons. The observation contained in the order of disciplinary authority, indicting the appellant and others reads as under:-

"It is made clear that the ORP/SI Randhir Singh No.241/JJR was the SHO and ASI Mahanand No.14JJR, HC Jalbir No.887/JJR and HC Devender were 1st Investigation Officers, in three cases and HC Rajesh Kumar No.492/JJR, HC Vinod No.794/JJR and HC Jogender No.29/JJR were 2nd Investigation Officers in these cases and EHC Vikas Kurnar No.1095/JJR is Driver of SHO, PS Sadar Bahadurgarh, and Const. Ashok No.1707/JJR is Gunmen. Though, the delinquents verbally confessed the delinquency and crime committed by them (ORP/SI Randhir Singh. No. 241/JJR, the then SHO, ASI Mahanand No.14/JJR, EHC Vikash No.1095/JJR, HC Rajesh Kumar No.492/JJR, HC Jalbir No.887/JJR, HC Devender No.115/JJR, except HC Vinod No.794/JJR and Const. Ashok Kumar No.1707/JJR) none of them had any remorse or regret that they have done grave injustice by falsely implicating Kanhiaya, Vinod @ Vicky and, Sunil in false cases, it is clear from the statements of HC Vinod Kumar No. 794/JJR, HC Rajesh Kumar No. 492/JJR. HC Devender No: 115/JJR, EHC-Vikash No. 1095/JJR and Constable Ashok Kumar No. 1707/JJR and it's also stated that they complied with the order of their senior officers though they were illegal. Since, they have approved, a lenient view is taken.

The act of the delinquents is incorrigible and unpardonable. The police is the protector of the life and liberty of the innocent citizens. But. ORP/SI Randhir Singh No. 241/JJR, the then SHO on his personal grudge against



Sunil Kumar, fabricated, false evidences, misused his authority and also misconducted & misguided his subordinates to register false cases against Kanhiya, Vinod@ Vicky and Sunil and illegally confined. It is not simply a delinquency but a crime and gross violation of fundamental rights of the citizens. The attitude of these delinquents was highly objectionable and against the justice.

During the personal hearing ORP/SI Randhir Singh No. 241/JJR. the then SHO, ASI Maha Nand No. 14/JJR, HC Jogender No. 29/JJR and HC Jalbir No. 887/JJR could not produced any evidence in their defence and the written statements have also not found satisfactory. As per evidence placed on file the allegations have been fully proved against them. Keeping in view of the above circumstances the proposed punishment of dismissal from service only will meet the ends of justice. Therefore, ORP/SI Randhir Singh No. 241/JJR. the then SHO, ASI Mahanand No. 14/JJR, HC Jogender No. 29/JJR and HC Jalbir No. 887/JJR are hereby dismissed from service with immediate effect."

10. Though the punishment of dismissal has been substituted in revision and thereafter, in mercy appeal, from withholding of two increments with cumulative effect to temporary withholding of two increments but the findings returned against the appellant with regard to misconduct remains untouched. The lodging of false FIR and fabricating false evidence against the innocent persons cannot be treated to be of minor nature. Though the punishments have been reduced, the findings that stand against the appellant seriously question not only his integrity but also his entitlement to be considered for promotion. It is undisputed that findings returned against the

appellant in the disciplinary proceedings holding him guilty of the serious charges of fabrication of evidence, has attained finality. The appellant was the second investigating officer in the FIR, where false allegations were not only made but evidence was fabricated.

11. In such circumstances, we are of the view that Rule 12 (9) (a) would operate in full in the facts of the present case, inasmuch as any imposition of the minor or major punishment having a bearing on integrity of the candidate during the last 10 years could be construed as a bar on the claim for promotion. It is also undisputed that criminal proceedings are also pending against the appellant. Learned Single Judge, therefore, has not committed any error in refusing to interfere with the rejection of the appellant's claim for promotion.

12. In such circumstances, the Letters Patent Appeal is *dismissed*.

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

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

21.04.2026

neeraj

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No