



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

105

CWP-30262-2025(O&M)

Date of Decision: 25.02.2026

KAILASH

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.K. Nehra, Sr. Advocate with
Mr. Anuj Chauhan, Advocate and
Mr. Rahil Mahajan, Advocate
for the petitioner

Mr. Akshit Pathania, Assistant Advocate General, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of speaking order dated 28.08.2025 whereby respondent has rejected his claim for Local Rank on the ground that he was awarded punishment of censure on the ground of lack of integrity.

2. The petitioner was recruited as Constable on 05.09.2007. He was suspended along with other officials on 17.09.2016 on account of a sting operation where they were found accepting bribe. He was awarded punishment of censure vide order dated 01.10.2016. The respondent reinstated petitioner, HC Kuldeep, HC Bhupender EHC Arjun Singh and others on 04.10.2016. The petitioner as per Standing Order No.127/2008 dated 22.09.2008 was entitled to rank of Exemptee Head Constable on completion of 12 years' service as Constable, however, he was not

promoted due to punishment of censure. Head Constable Kuldeep was also suspended along with petitioner and awarded punishment of censure. He filed *CWP-5915-2022* before this Court which was allowed vide order dated 08.08.2022 and respondent was directed to grant promotion from the date his junior was promoted. The respondent preferred *LPA-1124-2022* which was dismissed by Division Bench of this Court. The respondent has promoted Kuldeep Singh as ASI vide order dated 03.07.2024 from the date his junior was promoted. The petitioner preferred *CWP-16017-2025* which was disposed of with a direction to respondent to consider his claim. The respondent by impugned order has rejected his claim on the ground that he was awarded punishment of censure and his integrity was doubtful. The respondent has also noted that State has filed SLP against order dated 06.12.2023 passed by Division Bench of this Court in aforesaid LPA.

3. In the reply the respondent has relied upon Rule 12(9)(a) of the Haryana Police (Non-Gazetted and Other Ranks) Service Rules, 2017 (for short “2017 Rules”). As per respondent, the petitioner was awarded punishment of censure, thus, he cannot be assigned Local (Exemptee) Rank of Head Constable.

4. The petitioner is relying upon judgment dated 08.08.2022 of this Court passed in *CWP No. 5915 of 2022*, titled as “*Kuldeep vs. State of Haryana and others*” which was upheld by Division of this Court. The said judgment is based upon Rule 13.8A of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short “PPR”). Rule 13.8A of PPR reads as:-

“13.8-A. Disqualification for admission to or retention in Lists A, B or C. - (1) the infliction of any major punishment shall be a bar to admission to or retention in lists A, B or C, provided that (a) for special reasons to be recorded by the Superintendent in each case, and subject to confirmation by the Deputy Inspector-General, this disqualification may be waived, and (b) after six months’ continuous good conduct in the case of censure or confinement to quarters or on expiry of the period of reduction in the case of reduction for a specified period, a constable may be readmitted at the discretion of the Superintendent.

(2) Gazetted Officers shall look out for, and encourage their Inspectors and Sub-Inspectors to bring to notice, Constables who, by reason of their general character and ability or of special acts, are suited for inclusion in lists A, B or C, and shall, after satisfying themselves by necessary enquiries, make suitable recommendations to the Superintendent.”

5. From the perusal of above quoted Rule, it is evident that it is applicable to admission or retention in list A, B or C. The petitioner is not claiming admission or retention in list B or C. He is claiming Exemptee Rank of Head Constable. Local/Exemptee rank is not governed by Lists A, B or C, thus, Rule 13.8A is inapplicable for assigning Local/Exemptee Rank.

6. The respondent during the course of hearing produced Standing Order dated 22.09.2008 which governs promotion to the post of Exemptee Head Constable. As per said standing order, rank of Exemptee Head Constable cannot be assigned if integrity of the official during last 10 year was doubtful. In case ACR contains adverse remarks regarding reliability such officer should not be promoted for at least 2 years. In

case an officer is awarded punishment of censure, he should not be promoted under this scheme for next 6 months. The petitioner is conceding that he could not be promoted as Exemptee Head Constable for 6 months on account of punishment of censure, however, after the currency of censure, he was eligible for promotion as Exemptee HC.

7. In the wake of above discussions and findings, this Court is of the considered opinion that petitioner as per Standing Order dated 22.09.2008 deserves to be promoted as Exemptee Head Constable. The impugned order is hereby set aside and respondent is directed to assign to the petitioner Exemptee Rank of Head Constable.

8. Allowed.

9. Before parting with the judgment, this Court would hasten to add that there is apparent mistake in Rule 13.8A of PPR. The respondent time and again is relying upon said Rule. Clause (b) which is in the form of proviso to Rule 13.8A(1) is apparently contrary to Rule as well as first proviso i.e. Clause (a). There is need at the end of Director General of Police to relook into the matter.

10. The respondent in the reply has cited Rule 12(9)(a) of 2017 Rules. This Rule is applicable to officials appointed after 08.05.2017, meaning thereby, officials appointed prior to 08.05.2017 are governed by PPR. On account of non-applicability of 2017 Rules to officials appointed prior to 08.05.2017, they are differently treated in the punishment matters. It seems to be obnoxious and unfair. Two same set of employees cannot be treated differently. The respondent has implemented Haryana Police Act, 2007, however, despite expiry of almost two decades, Rules are not framed though small pockets are

created which are running contrary to PPR. There is dire necessity to make complete Rules. The police officials who had appeared before this Court had pointed out that draft Rules are pending before Home Department for last couple of years, however, Home Department is not approving the same. It would be appropriate for Home Department to implement the Rules as expeditiously as possible.

11. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

February 25, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No