

2026.PHHC.006392



115.

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

CWP-33990-2025

Date of decision: 19.01.2026

Rajwinder Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. On the last date of hearing i.e. 17.11.2025, the case was adjourned on the request of counsel for the petitioner. Today, the case has been called twice, however, learned counsel for the petitioner has not appeared.

2. The petitioner has filed the instant petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for quashing the order dated 12.08.2024 (Annexure P-1), passed by respondent No.3, and order dated 01.10.2024 (Annexure P-2), passed by respondent No.2, whereby the petitioner has been deprived of promotion to the post of Kanungo despite being senior and eligible, and for issuance of directions to the respondents to promote the petitioner w.e.f. 12.08.2024, with all

consequential benefits including seniority and pay fixation. Further, a writ in the nature of mandamus has been sought for directing the respondents to decide the representation dated 15.10.2025 (Annexure P-3) in a time bound manner.

3. The brief facts, as have been pleaded in the present petition, are that the petitioner is serving as a Revenue Patwari under the administrative control of the District Collector, Sangrur, and is presently posted in Halqa Kheri Chahlan, Tehsil Dhuri, District Sangrur. Vide office order dated 12.08.2024 (Annexure P-1), respondent No.3 issued promotion orders of several Revenue Patwaris to the post of Kanungo, in compliance with the directions of the Special Chief Secretary-cum-Financial Commissioner (Revenue), Punjab, contained in letter dated 23.07.2024. The said government communication conferred one-time relaxation under Rule 20 of the Punjab Kanungo (Class-III) Service Rules, 1994, to permit district-wise promotions of eligible Patwaris pending finalization of the State-level seniority list. The petitioner, being fully qualified and senior, stood at serial No.414 in the district seniority list, clearly falling within the zone of consideration for promotion. However, the petitioner was unjustly denied promotion, whereas several juniors were promoted to the higher post. The only ground assigned for denying promotion to the petitioner was that his two annual increments had been stopped 'with future effect', vide order dated 24.04.2024, under Rule 5(iv) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970, and whereas the punishment given to

the petitioner, vide order dated 24.04.2024, was stoppage of two annual increments 'without future effect'. Since the petitioner had been denied promotion on erroneous and untenable premises, therefore, he preferred an appeal before the Commissioner, Patiala Division, Patiala, which was registered as appeal No.139/VMS. The said appeal, however, came to be dismissed, vide order dated 01.10.2024. The concluding para of order dated 01.10.2024 reads thus:-

“5) After hearing both the parties and considering the facts on record, I have come to the conclusion that in addition to this appeal, appeals have been filed in this office by Sh. Rajwinder Singh, Patwari (Appellant) against the three different orders passed by Deputy Commissioner, Sangrur in Order No.127/SK dated 01.08.2023, Order No.6/SK dated 23.01.2024 and Order No.66/SK dated 19.04.2024, in which Deputy Commissioner, Sangrur had stopped the appellant's one annual increment (without future effect), two annual increments (without future effect) and two annual increments (without future effect), respectively, which have already been separately dismissed by this office. The last order No.66/SK dated 19.04.2024, which is End. No.978-82/SK/NSK dated 24.04.2024 has been issued by Deputy Commissioner, Sangrur and as per that order the annual increments of the appellant has stopped without future effect, the effect of which is up to the year 2026, the date of his annual promotion due to 01.11.2026. Therefore, the order No.125/SK dated 12.08.2024 passed by the Deputy Commissioner, Sangrur, through which the appellant was not promoted due to the stoppage of his annual increments without future effect, is a valid order. I agree with it. Therefore, since there is no weight in the appeal filed by the appellant, this appeal is dismissed.”

4. The only question that arises for consideration before this Court is as to whether the petitioner, who is under the currency of punishment of stoppage of two annual increments without future effect has a right for promotion to the next higher post or not.

5. The said issue is not *res integra* as the same has been settled by the Hon'ble Supreme Court in ***State of Tamil Nadu Versus Thiru K.S. Murugesan, 1995(3) SCT 345***, wherein it has been held that granting promotion during the currency of punishment of stoppage of increments, 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 Versus State of Haryana, 2013(1) RSJ 39*** and ***Kuljinder Singh Versus 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 Versus 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.”

6. To the same effect is the judgment of this Court in ***N.R. Garg (now deceased) through his LR Versus State of Punjab and another, 2025 NCPHHC 20033.***

7. In this view of the matter, the petitioner cannot claim promotion during the currency of punishment. As it is a settled and well established principle of service jurisprudence, that promotion does not constitute an indefeasible or vested right, but is always contingent upon the employee satisfying the prescribed eligibility conditions and suitable criteria. The existence of a subsisting punishment during the relevant period operates as a disqualification, since it reflects adversely on the conduct, discipline, and integrity of the employee and disentitles him from being considered fit for elevation to a higher post. An employee undergoing punishment cannot, therefore, claim consideration for promotion as a matter of right during the currency of such penalty.

8. In the present case, it is not in dispute that the petitioner was facing punishment at the relevant time; therefore, the action of the respondents is in consonance with the applicable service rules as well as the

settled law governing the field, and no arbitrariness, illegality, or perversity can be attributed thereto.

9. In view of the foregoing discussion, this Court finds no merit in the present petition. Accordingly, the same is hereby dismissed, with no order as to costs.

(NAMIT KUMAR)
JUDGE

19.01.2026
sanjeev

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