

STATE OF HARYANA AND OTHERS

Present: - Mr. Aditya Yadav, Advocate for the petitioner

Mr. Ashok Kumar Khubbar,
Additional Advocate General, Haryana

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 20.08.2025 whereby respondent has downgraded his Annual Confidential Report ('ACR') for the period from 01.04.2020 to 18.12.2020 on the basis of punishment of censure awarded vide order dated 10.10.2020.

2. The petitioner joined Haryana Police Force as Constable on 14.03.2003. He was promoted as Exemptee Head Constable in 2015. He was promoted as Exemptee Assistant Sub-Inspector on completing 22 years service. A video of the petitioner accepting ₹1,000/- from a lady went viral which led to initiation of departmental proceedings against him. In the departmental proceedings, it was established that petitioner had accepted ₹1,000/- from a lady who was a pillion rider of a two wheeler vehicle. The said vehicle was driven by a 10-11 years old boy. He was not wearing helmet. The petitioner was found guilty of the alleged misconduct. He accepted his mistake and apologized stating that he had released the vehicle by giving warning and returned ₹1,000/- on the asking of Station House Officer. The Disciplinary Authority vide order dated 10.10.2020, despite holding petitioner guilty of alleged offence, did not award proportionate penalty and disposed of proceedings by imposing punishment of censure. The petitioner was promoted as Officiating Head Constable in September'

2022. The respondent issued him a show cause notice dated 26.07.2025 calling upon him to show cause as to why his promotion order dated 14.09.2022 should not be withdrawn. The respondent further issued show cause notice dated 29.07.2025 proposing downgrading of ACR for the period from 01.04.2020 to 18.12.2020. The show cause notice was based upon Regulation No.16 dated 26.09.2024 issued by Director General of Police, Haryana and Government instructions dated 22.10.2001. The petitioner filed reply to the show cause notice. The respondent vide order dated 20.08.2025 downgraded petitioner's ACR for the aforesaid period. As per downgraded ACR, he is an indisciplined, unreliable, immoral official. His integrity is doubtful. He has been awarded punishment of censure for taking bribe of ₹1,000/- from a lady in lieu of releasing motorcycle without challan.

3. Learned counsel for the petitioner submits that impugned notices and orders passed by jurisdictional Superintendent of Police are bad in the eye of law. There was no occasion to recall/modify ACR which was recorded five years back. The respondent cannot place reliance upon regulation dated 26.09.2024 and instructions issued by State Government.

4. From the perusal of order dated 10.10.2020, it is manifest that despite finding the petitioner guilty of accepting bribe of ₹1,000/- from a lady, the Disciplinary Authority awarded minuscule punishment i.e. censure. The same officer in petitioner's ACR for the period from April' 2020 to December' 2020 declared him honest and reliable officer. The relevant extracts of order dated 10.10.2020 and ACR are reproduced as below: -

Order dated 10.10.2020

"The undersigned again carefully perused the investigation report of the investigation officer and the other evidence

available in the departmental investigation file. On the perusal, it was found that when the delinquent EHC Bijender No. 347/Hansi was posted as a driver in Traffic Police Hansi, a video of the delinquent was viral on whatsapp for taking money while issuing challan. The investigation of the viral video on whatsapp was carried out by the Deputy Superintendent of Police, Headquarters Hansi. From his report, it was found that about 20/25 days ago the 347/Hansi driver, No. delinquent EHC Bijender Inspector Vijay Kumar, SHO Police Station Traffic, HGH Sunil Kumar No. 1002 and HGH Phool Singh No. 1481 were checking near Umra Gate Hansi in a government vehicle No. HR-21P-0223. During the checking a teenager boy aged about 11/12 years came riding on the motorcycle without number plate and a woman was sitting behind him. When he was checked, neither any document was found with him nor the boy was wearing the helmet. On which, when the employees asked them to produce the documents of the motorcycle, then they leave the motorcycle and they took the motorcycle with them and reached Kali Devi Chowk Hansi and the SHO, Police Station Traffic Instructed them to check the vehicles and issue challan as per rules and sat in the vehicle. Thereafter the delinquent EHC Bijender No. 347/Hansi. HGH Sunil Kumar No. 1002 and HGH Phool Singh 1481 checked the documents of the motorcycle which was carried out from Umra Gate, it was found that the delinquent released the motorcycle after taking one thousand rupees and misled the SHO Police Station Traffic, Hansi by not informing him about the release of the motorcycle after taking the money. observing the viral video, it was also found that the delinquent EHC Bijender No. 347/Hansi is clearly seen in this video for taking the money releasing the motorcycle. The delinquent EHC Bijender No. 347/Hansi, under the influence of greed, took a bribe of one thousand rupees in lieu of releasing the motorcycle and being the member of a disciplined force, has tarnished the image of the police among the general public by displaying gross negligence and indiscipline towards his duty.

As for the punishment to be imposed to the delinquent EHC Bijender No. 347/Hansi, I have perused the entire record thoroughly. During the personal hearing, the delinquent repeatedly apologized by stating that he had released the woman by giving the warning and returned the thousand rupees on the asking of SHO. meanwhile, someone recorded the video while he was taking the thousand rupees from the woman and after few days, he viral the video, whereas the video maker recording the warning and returning the thousand rupees to the woman, he only recorded the video of him while he was taking the money and viral the video. Whereas the truth is that the woman neither have any documents of the motorcycle nor the boy driver wearing the helmet. So that the challan would have been for a higher amount. The woman had only one thousand rupees. He asked the SHO Police Station Traffic and returned the thousand rupees to the woman and released her by giving warning. Therefore, keeping in view the above facts, I am disposing of this departmental inquiry by imposing a censure on the delinquent EHC Bijender No. 347/Hansi instead of imposing the proposed punishment for the negligence of the delinquent, taking into account his previous good service.

The Service Book Clerk, Office of Superintendent of Police, Hansi will be responsible for getting the suspension period of delinquent EHC Bijender No.347/Hansi decided separately in this departmental inquiry.”

ACR

“Confidential report of E/SI, E/ASI, HCs/EHCs/Ct List-1
For the year 2020-2021

Rank, Name & No.	EHC Bijender Singh No.347/HNS
Period	01.04.2020 to 18.12.2020
Place of posting	DVR, SHO PS Traffic w.e.f. 17.09.2019 Under suspension w.e.f. 23.05.2020 Re-instated 08.07.2020 PL Hansi Lower School Course w.e.f.

	17.08.2020
1. Discipline	Disciplined
2. Integrity	Honest
3. Reliability	Reliable
4. Moral Character	Good
5. General Remarks	Good

(Lokender Singh, IPS)
Superintendent of Police
Kaithal.
the then Superintendent of Police, Hansi”

5. A conspectus of afore-stated documents demonstrates the way and manner in which a subordinate who was caught on social media accepting bribe has been dealt with. No FIR was registered despite video of accepting bribe and minuscule punishment was awarded. The best possible remarks were recorded in the ACR. As per Rule 16.28 of Punjab Police Rules, 1934 (as applicable to State of Haryana), the higher authorities could review order passed by jurisdictional Superintendent of Police.

6. The Director General of Police, Haryana is hereby directed to look into the act and conduct of Superintendent of Police who passed afore-stated order and recorded ACR of the petitioner and file his response before the adjourned date.

7. Adjourned to **14.10.2025**.

(JAGMOHAN BANSAL)
JUDGE

25.09.2025
Mohit Kumar