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

CWP-8653-2025

Date of Decision: 08.05.2025

Inspector Prithvi Singh

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.K. Malik, Sr. Advocate,
With Mr. Ankur Sheoran, Advocate,
for the petitioners.

Mr. Raman Sharma, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 13.03.2025 (Annexure P-9) whereby petitioner has been awarded punishment of reduction in rank i.e. from Inspector to Sub Inspector.

2. Mr. R.K. Malik, Sr. Advocate submits that petitioner joined Haryana Police Force as Constable on 01.12.1988 and he was promoted from time to time. He was issued charge sheet in 2017 and Inquiry Officer submitted his report on 17.08.2017 wherein he was exonerated. Jurisdictional Superintendent of Police i.e. Disciplinary Authority agreed with the inquiry report. The Disciplinary Authority sent its report to higher authorities confirming exoneration of the petitioner. On 26.09.2024, the Director General of Police (DGP) directed Inspector General of



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Police (IGP) to review order dated 21.08.2017. The jurisdictional IGP issued show cause notice dated 19.12.2024. The petitioner in his reply categorically raised question of limitation, nevertheless, respondent has ordered to reduce his rank i.e. from Inspector to Sub Inspector. The petitioner was promoted as Inspector in 2023 and he is going to retire in 2026.

3. Mr. Raman Sharma, Addl. A.G., Haryana filed reply on behalf of respondent Nos.1 to 4 which is taken on record. He submits that on the direction of Director General of Police, Inspector General of Police has exercised power in terms of Rule 16.28 of (Punjab Police Rules, 1934) as made applicable to State of Haryana (in short 'PPR'). There was another delinquent namely Ashok Kumar Sabharwal (DSP) in the departmental proceedings. He was awarded punishment of reduction of pension to the extent of 5%. His matter reached to Government. At that stage it was considered that case of petitioner should also be reconsidered. This was the reason of issuance of direction from DGP to IGP to review order dated 21.08.2017. With respect to limitation to exercise power under 16.28, he submits that under the Rule no limitation period has been prescribed, thus, this Court cannot import any limitation period under the said Rule.

4. The entire dispute is centered around the interpretation of Rule 16.28 of 1934 Rules, thus, it is inevitable to look at the said rule which 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



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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.”

5. From the perusal of above quoted rule, it comes out that Inspector General/Deputy Inspector General and Senior Superintendent of Police, may call record of awards made by their subordinates. These officers may confirm, enhance, modify or annul the order passed by their subordinates. They before passing order of confirmation or enhancement or modification or annulment may make further investigation or direct to be made before passing orders. The higher authority is competent to annul the order passed by his subordinate and before annulling the same, he may conduct further investigation or direct to be conducted, however, higher authority has no right to annul the order passed by his subordinate and thereafter order to conduct Denovo departmental enquiry.

6. No limitation period has been prescribed under Rule 16.28 of the 1934 Rules, however, it is settled proposition of law that where no limitation period is prescribed, authorities are bound to act within reasonable period. The reasonable period depends upon facts and circumstances of each case. There is no hard and fast or straitjacket formula.



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7. A three Judge Bench of Supreme Court in '***M/s S.B. Gurbaksh Singh Vs. Union of India and other***' (1976) 2 SCC 181 while advertng to power of Revisionary Authority to revise the order of Assistant Commissioner, has held that where no time limit has been prescribed to excise *suo motu* power of revision, the Revisionary Authority is bound to initiate the proceeding within a reasonable time. So, any unreasonable delay in exercising may affect its validity. What is reasonable time will depend upon the facts and circumstances of each case. A similar view has been taken by Supreme Court in the case of '***State of Punjab and others Vs. Bhathinda District Cooperative Milk Producers Union Ltd.***' (2007) 11 SCC 363.

8. In '***Sharda Devi Vs. State of Bihar and another***', (2003) 3 SCC 128, Supreme Court while advertng to Sections 18 and 30 of Land Acquisition Act, 1894 (for short '1894 Act') has held that no period of limitation has been prescribed under Section 30 of 1894 Act and where no period of limitation for exercise of any statutory power is prescribed, the power should be exercised within a reasonable period which depends upon the facts and circumstances of each case. The relevant extracts of judgment are reproduced as below:

"By reference to limitation

Under Section 18 the written application requiring the matter to be referred by the Collector for the determination of the court shall be filed within six weeks from the date of the Collector's award if the person making it was present or represented before the Collector at the time when he made his award or within six weeks of the notice from the Collector under Section 12(2) or within six months from the date of the Collector's award, whichever period shall first expire. There



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is no such limitation prescribed under Section 30 of the Act. The Collector may at any time, not bound by the period of limitation, exercise his power to make the reference. The expression “the person present or represented” before the Collector at the time when he made his award would include within its meaning a person who shall be deemed to be present or represented before the Collector at the time when the award is made. No one can extend the period of limitation by taking advantage of his own wrong. Though no limitation is provided for making a reference under Section 30 of the Act, needless to say, where no period of limitation for exercise of any statutory power is prescribed, the power can nevertheless be exercised only within a reasonable period; what is a reasonable period in a given case shall depend on the facts and circumstances of each case.”

9. In the case in hand, the Inquiry Officer submitted his report on 17.08.2017 wherein petitioner was exonerated. Disciplinary Authority agreed with the inquiry report and sent its report to higher authorities confirming exoneration of the petitioner. This proceeding concluded on 21.08.2017. The Director General of Police on 26.09.2024 directed Inspector General of Police to review order dated 21.08.2017. The jurisdictional Inspector General of Police issued show cause notice on 19.09.2024, means after more than 7 years from the date of passing order by Disciplinary Authority. By no stretch of limitation, the said period can be considered reasonable in the facts and circumstances of the instant petition. There was no change in the facts and circumstances of the case and there is no allegation against the petitioner that disciplinary proceedings were dropped on account of fraud committed by him or malpractice on his part. In the absence of these circumstances, the respondent was bound to exercise power of review within reasonable period of limitation which in the instant case could not



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be more than 3 years. It is further apt to notice here that petitioner is going to retire in 2026 and he is working as Inspector since 2023. Demotion is going to adversely affect his career.

10. In the wake of above discussion and findings, instant petition deserves to be allowed and accordingly allowed. Impugned order 13.03.2025 (Annexure P-9) is hereby set aside.

08.05.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	Yes