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Government of Haryana/हरियाणा सरकार
Directorate of Food, Civil Supplies & Consumer Affairs
खाद्य, नागरिक आपूर्ति तथा उपभोक्ता मामले निदेशालय

ORDER

Whereas; vide this office order No. 1E(1)-2025/RA-791 dated 26.03.2025, Sh. Kumar Gaurav (Employee id 7E36F0) was promoted from the post of Sub-Inspector to the post of Inspector, Food & Supplies, and subsequently, it came to the notice of the Department that a criminal case CNR No. HRKU01-002036-2016 in FIR No. 156 dated 10.11.2015 registered at police station Ishmailabad, under section 120B, 409, 420 IPC & section 13(I) (b) of PC Act was already pending against him at the time of promotion and the Trial Court had framed charges against the official on 28.11.2024. Further, the said criminal case is still pending before the Hon'ble Trial Court.

Therefore, in order to grant him a reasonable opportunity of being heard, a Show Cause Notice dated 18.05.2026 was issued to him proposing withdrawal of the promotion granted vide order dated 26.03.2025. The said notice was duly served upon him on 01.06.2026, his reply dated 14.06.2026 was received in this Department on 16.06.2026 and which has been duly considered and carefully examined along with the service record, relevant rules and all connected records as under:-

Sr. No.	Reply submitted by the Official	Remarks submitted by the office
1	The official has primarily contended that the Department was already aware of the pendency of the criminal case/FIR against him at the time of issuance of the promotion order and that the promotion was granted only after completion of the prescribed departmental formalities.	This ground is not acceptable as the pending criminal proceeding was not in the notice of the Competent Authority. The fact remains that the criminal proceedings pending before the competent Court were not brought to the notice of the concerned branch i.e. Establishment-I Branch which processed the promotion case. Therefore, the promotion granted due to incomplete facts cannot confer any legal or vested right upon the official.
2	The official has further contended that he had already undergone a departmental penalty and, therefore, withdrawal of promotion would amount to double jeopardy.	This contention is also without merit. Departmental punishment and criminal prosecution are separate proceedings operating in different fields. Withdrawal of an irregular promotion does not amount to imposition of another punishment but is merely rectification of an administrative mistake committed while issuing the promotion order. Consequently, the principle of double jeopardy is not involved
3	The official has also pleaded that mere registration of an FIR	This plea is inappropriate. The present action is not founded merely on the registration of an FIR.



	cannot be treated as misconduct	The competent Criminal Court had already framed charges against the official on 28.11.2024, much before the promotion order dated 26.03.2025. Thus, on the date of promotion, the official was facing criminal trial before a competent Court.
4	It has also been contended that "The Hon'ble Supreme Court and various Hon'ble High Courts" have consistently ruled that an FIR is merely an accusation and it is not evidence of misconduct in itself, and employers cannot use it as a standalone ground to withhold annual increments, delay or withdraw promotion, or impose premature retirement.	The contention deserves rejection because the present proceedings are not based upon on registration of FIR. The issue under consideration is the pendency of criminal proceedings at the relevant time. An employee against whom criminal charges have been framed and whose criminal trial is pending cannot be considered to possess a clean and satisfactory service record for promotion in terms of the Haryana Government instruction issued vide Letter No. 2/38/92-2GS-I dated 25.11.1993.

It is further observed that the Government has already prescribed the procedure to be followed in cases where an employee is facing disciplinary or criminal proceedings at the time his/her case for promotion is considered. As per the instructions issued by the Chief Secretary to Government, Haryana vide Letter No. 2/38/92-2GS-I dated 25.11.1993, employees against whom departmental proceedings or criminal proceedings are pending are not to be promoted, and their promotion is to be withheld till the finalisation of such proceedings. In the present case, the competent Criminal Court had already framed charges against the official on 28.11.2024, and the criminal trial was pending on the date of issuance of the promotion order dated 26.03.2025. Thus, the official was not eligible for promotion on 26.03.2025. The promotion order was issued without taking into account this material fact and, therefore, being contrary to the aforesaid Government instructions, the same is not legally sustainable and is liable to be withdrawn.

After careful consideration of the entire record, the reply submitted by Sh. Kumar Gaurav and the applicable rules, the undersigned is satisfied that:-

- (i) Criminal proceedings were pending against the official on the date of promotion;

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- (ii) Charges had already been framed by the competent Court before issuance of the promotion order;
- (iii) The promotion order dated 26.03.2025 was issued without consideration of these material facts;
- (iv) The official was not eligible for promotion on 26.03.2025; and
- (v) The reply submitted by the official does not satisfactorily explain or remove the above disqualification.

Accordingly, after careful consideration of the facts and circumstances of the case, the reply submitted by Sh. Kumar Gaurav is hereby rejected as being devoid of merit and not acceptable. Consequently, the promotion of Sh. Kumar Gaurav (Employee id 7E36F0) to the post of Inspector, Food & Supplies, granted vide this Department's Order No. 1E(1)-2025/RA-791 dated 26.03.2025, is hereby withdrawn. As a consequence thereof, Sh. Kumar Gaurav (Employee id 7E36F0) is hereby reverted to the post of Sub-Inspector, Food & Supplies, with immediate effect.

Therefore, I order accordingly.

**Dated, Chandigarh
the 08.07.2026**


ANSHAJ SINGH, IAS,
**Director General, Food Civil Supplies and
Consumers Affairs Department, Haryana**
Dated Chandigarh, the 10.07.2026. ²

Endst. No. 1E(1)61-2021/IFS/12038

**A copy of the above is forwarded to the following for information and
necessary action:-**

1. Sh. Kumar Gaurav, through DFSC Yamunanagar.
2. All the District Food and Supplies Controllers (in the State).
3. PS/DGFCSC&CA & PA/AD(Admn)
4. Deputy Superintendent Establishment-III.
5. HRMS Cell for updating the record.
6. Smt. Shikha, Junior Programmer for uploading the orders at the website of the Department.
7. 2E(I) and 4E(I) through Superintendent (Estt-1).


Deputy Director (Administration)
**for Director General Food Civil Supplies and Consumer
Affairs Department, Haryana**