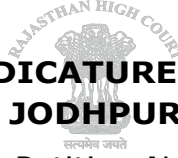




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 12501/2025

Bhajna W/o Shri Saval Ram, Aged About 38 Years, R/o Nehra,
Pali (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Department Of Home, Government Of Rajasthan, Jaipur
(Raj.).
2. The Director General Of Police, Rajasthan, Jaipur (Raj.).
3. The Inspector General Of Police, Pali Range, Pali (Raj.).
4. The Superintendent Of Police, District Pali (Raj.).

-----Respondents

For Petitioner(s) : Mr. O.P. Sangwa

HON'BLE DR. JUSTICE NUPUR BHATI

Order

24/02/2026

1. Learned counsel for the petitioner submits that the issue raised in the present writ petition is squarely covered by the judgment passed by a Co-ordinate Bench of this Court at Jaipur Bench in ***Raghuveer Singh Vs. State of Rajasthan & Ors.;*** ***S.B. Civil Writ Petition No.20358/2018*** (decided on 05.12.2022).
2. In *Raghuveer Singh's case (supra)*, the Court observed and held as under:

"38. On bare reading of Rule 14, it is clear that while framing the rules the rule framers were of the opinion that the Government servant can be imposed with the penalty of either(I) 'Censure', or (II) 'Withholding Annual Grade Increment' or 'Withholding Promotion'. The language of the said rule clearly speaks that rule framers were of the view that while in case of imposing penalty of 'withholding



annual grade increment', the same itself will not adversely affect the avenue of promotion, if the Government servant is otherwise found suitable. The rule framers while incorporating the penalty of 'withholding annual grade increment' or 'withholding promotion' with a specific intention used the word "or" in between 'withholding annual grade increment' and 'withholding promotion'. By using word "or" the intention of the rule framers is very clear that in case of imposing penalty of 'withholding annual grade increment' their intention is not to withhold the promotion avenue of the Government servant merely on account of penalty. Withholding annual grade increment and withholding promotion are different kinds of penalties which may be imposed upon Government servant. Meaning thereby, if penalty of 'withholding annual grade increment' is imposed on a Government servant, that cannot be termed to be a penalty of 'withholding promotion' also.

On consideration of the provisions of the Rules this Court is of the view that rule framers were not having intention to withhold the promotion of a Government servant merely on account of imposing penalty of 'Censure' or 'Withholding the annual grade increment'. If that would have been the intention of the rule framers they would have mentioned in the Rule 14 as 'withholding annual grade increment' and 'withholding promotion' but they have mentioned the penalty as 'withholding annual grade increment' "or" 'withholding promotion'.

39. In view of the discussions made above, this Court safely can held that withholding promotion for a Government servant on account of imposition of penalty of 'Censure' or 'withholding increment' is illegal and arbitrary and unconstitutional and therefore the Circular issued by the respondent- State in this regard disastors to be set aside.

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44. So considering the provisions of Rules and the law laid down in various judgments, as referred above, this Court can safely held that the Circular dated 04.06.2008 issued by the Department of Personnel to the extent of depriving the Government servants from consideration for promotion in case of criteria for promotion being Seniority-Cum-Merit on account of penalty of 'Censure' or withholding increments, is not sustainable and deserves to be set aside.

45. Accordingly, the present writ petition is allowed. The order of penalty dated 30.05.2013, passed by the Deputy Commissioner of Police, Jaipur, the order dated 27.12.2013 passed by the Commissioner of Police, Jaipur



and also the order dated 26.10.2015 passed by the Joint Secretary Government of Rajasthan (Appeal) and so also the Circular dated 04.06.2008 issued by the Department of Personnel to the extent as observed in above paras, are quashed and set aside. The petitioner shall be entitled for all consequential benefits which accrue to him as if no such order of penalty was ever passed against him.

46. The exercise for promotion or review so as to extend the consequential benefits to the petitioner, be completed by the respondents within a period of three months from today.

47. In view of the order passed in the main petition, the stay application and pending application(s), if any, also stand disposed of."

3. In view of the submissions made, the present writ petition is also disposed of on the same terms and directions as in *Raghuveer Singh (supra)*.

4. However, the respondents would be free to examine the veracity of the submissions made in the petition and only in case, the averments made therein are found to be correct, appropriate orders would be passed in favour of the petitioner.

5. Stay petition and pending applications, if any, stand disposed of.

(DR.NUPUR BHATI),J

157-/Devesh/-