

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 429 of 2024

Manoj Kumar Sharma

Petitioner

Vs.

Union of India & 4 ors.

Respondents

BEFORE

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

07.05.2025

Heard Mr. M. Devananda Sharma, learned senior counsel assisted by Mr. K. Roshan, learned counsel appearing for the petitioners; and Mr. Kh. Samarjit, learned DSGI assisted by Mr. Nongdamba, learned counsel appearing for the respondents.

The present writ petition has been filed with a prayer for quashing and setting aside the impugned order dated 05.02.2024 issued by the Directorate General, CRPF, thereby rejecting the representation dated 15.06.2023 submitted by the petitioner with a request for expunging the adverse entries in his APAR for the period from 01.04.2018 to 31.03.2019, 06.10.2019 to 31.03.2020 and 01.04.2020 to 13.09.2020.

The case of the petitioner is that he submitted a representation dated 15.06.2023 to the Home Secretary, Ministry of Home Affairs, New Delhi (through proper channel) with a request to consider and expunge

the adverse entries in the petitioner's APAR for the above mentioned period. According to the petitioner, without considering his representation on merit, the authorities rejected his representation by issuing the impugned order dated 05.02.2024 only on the sole ground that the said representation is time barred in terms of the provisions contained in DoP&T office memorandum dated 14.05.2009.

On perusal of the said office memorandum dated 14.05.2009, more particularly, the provisions under para 2 (ii) & (iv), it transpires that the incumbent is entitled to be communicated his full APAR including the overall grade and assessment of integrity after the Report is complete with the remarks of the Reviewing Officer and the Accepting Authority. It is also mandated under the said office memorandum that the concerned officer should be given the opportunity to make any representation against the entries and the final grading given in the Report within a period of fifteen days from the date of receipt of the entries in the APAR. According to the petitioner, the authorities never communicated such adverse entries in his APAR to him in any point of time and that rejection of his representation on the ground of delay and without considering it on merit by solely relying on the provisions of the office memorandum is blatantly in violation of the provisions of the office memorandum and as such, interference of this Court is necessary by quashing and setting aside the

impugned order. It has been also urged on behalf of the petitioner that after quashing the impugned order, a direction may be issued to the concerned authorities to reconsider the representation submitted by the petitioner for expunging the adverse entries in his APAR on merit.

The learned DSGI appearing for the respondents, draws the attention of this Court to the representation submitted by the petitioner and pointed out that it has been clearly mentioned by the petitioner himself in the said representation that he came to know about the adverse entries in his APAR and as such, it can be deemed that the authorities have already communicated to the petitioner the adverse entries in his APAR and the authorities have not committed any illegality in rejecting his representation by issuing the impugned order in terms of the provisions of the aforesaid office memorandum.

On careful examination of the statement made by the petitioner in his representation, it cannot be ascertained on which date he came to know about the adverse entries in his APAR through online and as such, it cannot also be ascertained whether the petitioner submitted the said representation within the prescribed period of 15(fifteen) days or not. In my considered view, without ascertaining the factum as to whether the said representation was submitted within 15(fifteen) days from the date of knowledge by the petitioner about the adverse entries in his APAR, the

act of the respondents in rejecting the said representation on the ground of delay is unreasonable and unwarranted.

In any case, since the office memorandum dated 14.05.2009 clearly mandated the authorities to communicate the full APAR including the overall grade and assessment of integrity to the concerned official and to give him opportunity against such adverse entries, which the authorities have clearly failed to do so in the present case, this court is of the considered view that rejection of the representation submitted by the petitioner only on the ground of delay is not acceptable more particularly when such representation has not been considered by the authorities on merit. It is also an admitted fact that the authorities never communicate the adverse entries in the APAR of the petitioner to the petitioner and also never gave the petitioner an opportunity to make any representation. In view of the above, this Court is of the considered view that the rejection of the aforesaid petitioner's representation only on the ground of delay is not tenable in law.

Accordingly, the impugned order dated 05.02.2024 issued by the Directorate General of Police, CRPF is hereby quashed and set-aside.

At this juncture, the learned senior counsel appearing for the petitioner prays before this Court that the petitioner may be allowed to submit a fresh representation to the concerned authorities with a request

for expunging the aforesaid adverse entries in his APAR along with a certified copy of this order within a period of 3(three) weeks from today.

This prayer is not objected to by the learned DSGI.

Accordingly, liberty is given to the petitioner to submit a fresh representation as prayed for within a period of 3(three) weeks from today along with a certified copy of this order.

In the event of submitting such a fresh representation by the petitioner, the authorities are directed to consider and dispose of the said representation on merit within a period of 3(three) months from the date of receipt of such representation.

With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Indrajeet