

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1607/2023

CM No. 3809/2023

Reserved on:- 22.09.2025

Pronounced on:- 29.10.2025

Uploaded on:- 29.10.2025.

Whether the operative part or
full judgment is pronounced: **Full**

Vikas Choudhary, Age 44 years
S/O Hukam Singh,
2 I/C (IRLA 5278), Range HQ
CRPF, Hiranagar, J&K

....Petitioner

Through :- Mr. Ankesh Chandel, Advocate.

Versus

1. Union of India,
Through its Secretary,
Ministry of Home Affairs, New Delhi.
2. Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi.
3. Special Director General,
Central Reserve Police Force,
CZ Headquarter, Kolkata.

....Respondent(s)

Through :- Mr. Vishal Sharma, DSGI with
Mr. Anishwar Chatterjee Koul,
Mr. Sumant Sudan,
Mr. Eishaan Dadhichi, CGSCs.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

JUDGMENT

1. Petitioner, who is working as 2 I/C (IRLA) Range HQ CRPF Hiranagar, J&K, having been aggrieved of adverse remarks and below benchmark grading in his Annual Performance Appraisal Reports (APARs)

for the year 2018-19 and for the period w.e.f 01.04.2020 to 05.08.2020, due to personal grudge and hostility towards him by his superior officers-Commandant and DIG, through the medium of this petition has prayed for the following reliefs:

- “a) An appropriate writ, order or direction in the nature of writ of certiorari quashing order issued by respondent no.3 under no. R.XIII-1/2021-CZ-PA(Adm.) (5278) dated 15.02.2021 whereby representation dated 10.11.2019 filed by the petitioner against adverse remarks and below benchmark grading in his Annual Performance Appraisal Report (APAR) for the year 2018-19 has been rejected.
- b) An appropriate writ, order or direction in the nature of writ of certiorari quashing order issued by respondent no.3 under no. R.XIII-1/2022-CZ-PA(Adm.)-DA-II (5278) dated 21.09.2022 whereby representation dated 15.01.2022 filed by the petitioner against adverse remarks and below benchmark grading in his Annual Performance Appraisal Report (APAR) for the period 01.04.2020 to 05.08.2020 has been rejected.
- c) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents, more particularly respondent no. 2 and 3, to re-consider the representations dated 10.11.2019 and 15.01.2022 as also subsequent representations filed by the petitioner and also to re-consider his decisions/orders dated 15.02.2021 and 21.09.2022 by expunging the adverse remarks and by upgrading his

APAR for the period 2018-19 and for the period 01.04.2020 to 05.08.2020 on the same analogy and pattern on which representation filed by one Shri Amar Raj Assistant Commandant (IRLA 10062) was re-considered and decided whereby final grading recorded in his APAR for the period 13/06/2016 to 31/03/2017 has been upgraded from “Good” to “Very good” and also on the basis of reasons and justifications tendered by the petitioner in his representations.

- d) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to consider and promote the petitioner to the next higher rank of Commandant, w.e.f. the date his colleagues have been promoted alongwith all retrospective consequential benefits.”

2. The brief facts, as narrated in the petition, are that:-

2.1 The petitioner, being 2 IC was posted in 62 Bn. CRPF Ambikapur Chhattisgarh w.e.f. June, 2018. His superior officers viz.; Commandant Mr. Manish Kumar Meena and Dy. Inspector General of Police Mr. S.K. Mishra were indulging in corrupt practices and the petitioner refused to join them in the corrupt and improper practices; that the Commandant, 62 Bn. Mr. Manish Kumar Meena being the reporting officer of the petitioner gave him the grading in his APAR as “good” and the Reviewing Authority i.e. DIG Mr. S.K. Mishra too graded the petitioner “good” which is adverse and below the benchmark.

2.2 For the subsequent year i.e. 2019-20, the Reporting Authority i.e. Mr. Manish Kumar Meena, Commandant 62 Bn. CRPF and Reviewing Authority i.e. Mr. S.K. Mishra, DIGP, CRPF, due to their personal grudge and hostility against the petitioner again graded the Petitioner as “below good”, however, the Accepting Authority i.e. Inspector General of Police, CRPF negated these adverse remarks and final grading to the petitioner was given as “Very Good”.

2.3 In the year 2020-21, the APAR of the petitioner was in two parts viz.; for the period from 01.04.2020 to 05.08.2020 and 06.08.2020 to 31.03.2021. In the first Part i.e. for the period from 01.04.2020 to 05.08.2020, afore-named two officers graded the petitioner as “good” which was accepted by the Accepting Authority as well. However, in his APAR for the period 06.08.2020 to 31.03.2021, the petitioner was graded as “Outstanding” by the new Reporting Officer Mr. B. Veer Raju and Reviewing Officer graded the petitioner as “Outstanding” as the earlier officers Mr. Manish Kumar Meena and Mr. S.K. Mishra had been transferred. The Accepting Authority finally graded the petitioner as “very good”.

2.4 The petitioner filed representation dated 10.11.2019 against adverse remarks and below benchmark grading in his Annual Performance Appraisal Report (APAR) for the year 2018-19. The respondent no.3 vide Order dated 15.02.2021, however, rejected the representation dated 10.11.2019. The petitioner against the adverse remarks in APAR for the period w.e.f. 01.04.2020 to 05.08.2020, also filed a representation dated

15.01.2022, with the respondent no. 3 through DIGP Range, Hiranagar CRPF, however, the respondent no.3 vide Order dated 21.09.2022 also rejected petitioner's representation dated 15.01.2022. The petitioner again represented against rejection of his representations before respondent no.2 vide representations dated 02.01.2023, 06.01.2023, 16.02.2023 and 17.02.2023, but the same were, allegedly, never considered nor decided. Hence the present petition.

3. Learned counsel appearing on both sides, informed the Court that pursuant to a direction passed by this Court vide interim order dated 16.06.2023, the competent authority considered the petitioner's representations, vide order dated 29.08.2023, whereby the APARs of the year 2018-19 were maintained, however, the APARs of the part period of 01.04.2020 to 05.08.2020 were changed by upgrading the same to "very good" from "good". As such, the grievance of the petitioner has been redressed for the part period of the year 2020, however, the grievance for the year 2018-19 is required to be adjudicated upon in this writ petition, besides other consequential reliefs.

4. Petitioner pleads that he has approached this court being aggrieved of the action of the respondents in downgrading his Annual Performance Appraisal Report for the year 2018-19 to "Good" with adverse remarks and in rejecting his representation dated 10.11.2019 through Order dated 15.02.2021; that subsequent Order dated 29.08.2023 has also upheld the same, but that order is only consequential, and it does not take away the petitioner's right to challenge the illegality that inheres in the original rejection. The grievance of

the petitioner is that his APARs were vitiated by technical illegality, procedural violations, delay, bias, and *mala fides*, and consequently his promotion to the next rank has been denied though his junior has already been promoted. He therefore prays that the adverse remarks be expunged, his grading be upgraded, and he be promoted with all consequential benefits.

5. Respondents in their reply, repudiating the claims made by the petitioner, asserted that as per the interim order dated 16.06.2023 passed by this Court, the representation dated 27.06.2023 preferred by the petitioner has been considered by the competent authority-respondent no.2 on merit and after due examination and all aspects into consideration, the following orders have been passed vide Dte Genl, CRPF, Order No.R.XIII.18/2021-DA-13 (APAR) dated 29.08.2023:-

(a) The 'Good' grading recorded in part APAR period from 04.06.2018 to 31.03.2019 (year 2018-19) with some adverse remarks recorded by the Accepting Authority, does not require any intervention and shall remain unchanged.

(b) The grading for the part APAR period from 01.04.2020 to 05.08.2020 (year 2020-21) is hereby upgraded from 'Good' to 'Very Good' and the adverse remarks, recorded by the Reporting/Reviewing authorities and accepted by the Accepting Authority, stands expunged.

6. Mr. Ankesh Chandel, learned counsel for the petitioner argued that the petitioner is a decorated officer at the highest level with Police Medal for Gallantry; that his APAR in question for the year 2018-19 is erroneously accepted by an Officer who did not supervise the work of petitioner for a

mandatory period of 90 days for making any endorsement in APAR. This is a technical/procedural error hence this APAR becomes invalid and cannot be accounted for denying promotion. This is inspite of the fact that the petitioner brought this error to the knowledge of competent authorities and requested them to correct it sending the APAR to the authority who supervised his work of 08 months during the period under report but the authorities chose not to correct it and remained silent on his application; that during the year 2019-20, the department had admitted that the reporting officer was having malafide, biased intentions against the petitioner and upgraded the adverse APAR awarded to the petitioner; that during 2020-21 also department has evaluated the same authorities as biased against the petitioner and upgraded the adverse APAR awarded by them expunging the adverse remarks; that the biasness of reporting and reviewing officers can be deduced from the fact that prior to and after working under command of this set of reporting and reviewing authorities, all APARs of the petitioner are “VERY GOOD”/“OUTSTANDING” by many authorities; that biasness of reporting and reviewing officers is further established from the fact that the reporting officer did not allow the petitioner to discharge his duties as per his charter of duties and accepted all the correspondence/files by-passing the petitioner. This was also observed by the DIGP during his visit and he had mentioned it in the D.O. letter after visit; that during the year 2018-19 when the petitioner was detailed for election duties in the States of Chhattisgarh, Madhya Pradesh, Rajasthan, he was awarded with commendation disc letter by the senior most authority in the department i.e. the Directorate General CRPF for displaying exceptional performance and appreciation by different agencies. On one hand

the petitioner was being appreciated at the highest level in department but the reporting officer was spoiling his APAR proves that APAR 2018-19 was not initiated on facts; that the reporting officer has self contradicted himself in subject APAR.

7. Mr. Chandel would further argue that during an interview in April 2021 and afterwards in November 2021 the DG CRPF passed directions to upgrade the APAR 2018-19 of petitioner after hearing his case on merit; that the department's main argument is that many advisory memos were issued to the petitioner but he failed to bring necessary improvement hence adverse APAR were awarded. Regarding advisory memos during the year 2018-19, it is submitted that these were deliberate letters issued with the intentions of blackmailing the petitioner to bring him to the terms of reporting officer to be submissive of his corrupt endeavors, as the petitioner has a reputation of being an honest and impartial officer. Various correspondences regarding correcting the wrong practices in office were exchanged between the petitioner and the reporting officer; that during the next years i.e. in 2019-20 and 2020-21 greater number of such memos were issued by this set of reporting and reviewing officers, but the department evaluated these as biased against the petitioner and upgraded the APARs expunging the adverse remarks; that all these letters of adversaries/warnings were represented against with next higher authorities with facts and these representations are still pending and are not disposed off. Hence these letters cannot be termed as operative. Lastly, it is prayed that the writ petition be allowed and the impugned orders be quashed.

8. Mr. Vishal Sharma, learned DSGI assisted by M/S Anishwar Chatterjee Koul, Sumant Sudan & Eishaan Dadhichi, CGSCs appearing for the respondents, *ex adverso*, submits that the writ petition insofar as it pertains to relief (b) i.e. APAR for the period 01.04.2020 to 05.08.2020 stands corrected and thus, the said relief has already been granted; that on the representation filed by the petitioner, detailed Order dated 29.08.2023 was passed by DG CRPF and the said order has not been challenged by the petitioner; that the petitioner cannot reprobate and approbate at the same time with regard to two part recorded APAR; that Article 226(3) of the Constitution of India debars this Court to issue writ of certiorari; that this court does not have jurisdiction as, *ex facie*, no relief can be granted when the order dated 29.08.2023 passed by DG CRPF was not challenged by the petitioner; that this court cannot sit in appeal in the matters of APARs, as the matter involves disputed questions of facts.

9. Heard learned counsel for the parties, considered their submissions and perused the record.

10. At the outset, this Court has to consider as to the maintainability of writ petition, in view of the fact that during its pendency, the competent authority had considered petitioner's representation and partly allowed and partly rejected but the same was not challenged by the petitioner. It is a fact that petitioner neither challenged the order on representation separately nor amended this petition to seek that relief. It is well settled that the doctrine of merger applies only to judicial and quasi-judicial orders and not to administrative orders, the Supreme Court's judgments in the case of

‘P. Chitharanja Menon v. Balakrishnan’ (1977) 3 SCC 255 and ‘Roshan Lal v. International Airport Authority’, (1980) Supp SCC 449, lay down that if the basic order is assailed, there is no need to separately challenge the consequential one. Relevant para 5 of the judgment *P. Chitharanja Menon* (*supra*) is reproduced as under:

“5. The respondents who were the petitioners in the writ petition were integrated in the service. The Government passed orders laying down the principles of integration of the District Board Employees and the Panchayat executive officers and Panchayat Officers. The impugned orders under the writ petition are Ex. P10, Ex. P12 and Ex. P15. It is also prayed that Ex P 17 may be quashed. The Government in Ex. P10 came to the conclusion that the vacancies on the advice of the Public Service Commission and the appointment of those that had been advised on 28th December, 1961, arose only on the dates enumerated in the order Ex. P10 commencing from 30th December, 1961, and ending with 2nd January, 1962 and that the appointment can only be on occurrence of the vacancies. We do not see on what basis Ex. P10 could be challenged, Ex. P10 refers to G.O. MS No 93/62 dated 13th February, 1962. By the G O. of 1962, 16 respondents in the writ petition were promoted as executive officers Grade I on the advice of the Public Service Commission. The promotion of the respondents in the writ petition having been ordered as early as 13th February, 1962, without challenging that order a subsequent order which determined the date of their commencement of service cannot be challenged. In fact, the respondents were appointed to the higher posts on 28th December, 1961, and they took charge on 30th December, 1961, 31st December 1961, 1st January, 1962 and 2nd January, 1962 The respondents in this petition were integrated into the service only on 1st January, 1962. Their position in the service was to be determined by the Government later. If the respondents were aggrieved at the posting to the higher post of the present appellants and others they ought to have even challenge promotion which was made on 1st January, 1962. Not having questioned the legality of the promotion or the G O. of 1962 it is too late for them to question the validity of the G.O. of 1969 by filing a writ petition in the year 1972.”

11. Such a reference came up before Delhi High Court and a Division Bench in WP No. 2673/2016, titled *‘Manudev Dahiya Vs. Union of India through DG ITBP’*, while discussing the object of writing the confidential report in the light of Supreme Court judgments (1996) 8 SCC 762; (1997) 4 SCC 7, (2008) 1 SCC 379 decided the writ petition, as malice was attributed to the superior officers recording and reviewing the APARs, vide judgment dated 18.07.2023. In the case on hand also the petitioner has raised serious

allegations of mala fide, bias, hostility etc. against his commanding officer and next senior officer DIG, as he had protested/complained against them of corrupt/malpractices in the command formation.

12. The object of writing of the confidentiality report has been explained by the Supreme Court in '**State Bank of India v. Kashinath Kher**', (1996) 8 SCC 762 to be two-fold i.e. first to give an opportunity to the officer to remove deficiencies and to inculcate discipline. Second, it seeks to serve improvement of quality and excellence and efficiency of public service. The significance and importance of writing an APAR for an officer whose promotion and career progression depends essentially on the APARs was further emphasised by the Division Bench of Delhi High Court in a case titled '**Shri Tersem Kumar v. Union of India & Ors.**' 2014 SCC OnLine Del 1899, wherein it was observed that the promotion is the only incentive in a service career; that in the absence of any promotion to a higher rank, not only the growth and development of the individual officer stops but equally the department or the institution gets affected. Stagnation of an employee, without there being any chance of promotion to further higher rank, could well deter the employee from taking any initiative to achieve higher targets, goals and objectives for the ultimate development and growth of the department and office which his office serves; the Annual Confidential Report is a vital mode of assessment of the performance of an officer in the previous year. It is through this document that the suitability of an officer's promotion and career advancement is adjudged. It has been further held in this case that while writing an APAR, the guidelines and the instructions issued by the Competent

Authority must be scrupulously adhered to, as any casual or cavalier approach of the designated officer can jeopardize the service career of the ‘assessed officer’. The reviewing officer, while writing the APAR, must reflect that the objective of the assessment exercise is to develop an officer so that he or she can realize his or her potential. It is not meant to be a battle but a development process, a cumulative effort that ensures optimal picture of the appraisee apropos his/her performance, conduct, behaviour and potential.

13. The Apex Court in *‘Swapan Kumar Pal v. Achintya Kumar Nayak’ (2008) 1 SCC 379* observed that the power of judicial review of the decision of Administrative Tribunal is very limited. While exercising the power of judicial review, the courts must limit their role and interfere only if any legal error has been committed in the decision making process. It cannot enter into the merits of the decision. Furthermore, while exercising the power of judicial review, the courts should not sit as an appellate authority and must remain confined to see whether the decision has been made in accordance with the settled principles of law.

14. Standing Order No.04 of 2015 issued by the Directorate General of the Central Reserve Police Force in the month of June 2015 lays down the guidelines for the preparation and maintenance of Annual Performance Appraisal Reports (APARs) of officers. The APARs of the officers have, thus, to be reported, reviewed and accepted as per the aforesaid guidelines.

15. The first ground of challenge to the subject APAR of 2018-19 by the petitioner is that of bias, mala fide, based on hostile attitude of the reporting officer namely Commanding Officer-Mr. Manish Kumar Meena. The

petitioner has pleaded that while working as 2nd In-charge of the Commanding Officer in 62 Bn. of CRPF stationed at Ambikapur Chhattisgarh, he had observed that his Commanding Officer, Manish Kumar Meena in collaboration with Deputy Inspector General of Police Mr. S K Misra was indulging in corrupt practices and he refused to join them and instead raised the issues of corrupt and improper practices, to which the reporting officer Mr. Manish Kumar Meena, as a revenge, graded petitioner in his APAR as 'good' which was accepted by the Reviewing Authority i.e. DIG, Mr. S K Misra and this grading was adverse and below the benchmark which could ultimately hinder the promotional aspects of the petitioner. It has been alleged that the same set of officers for the subsequent year 2019-20 also graded him as 'below good' due to their personal grudge and hostility against the petitioner, however, the Accepting Authority i.e. IGP, CRPF negated these adverse remarks and final grading to the petitioner was given as 'very good'. Astonishingly, the petitioner in the year 2020-21 for the period 01.04.2020 to 05.08.2020 was graded by the same set of officers as 'good' which was accepted by the Accepting Authority as well. However, for the rest of the period w.e.f. 06.08.2020 to 31.03.2021, the petitioner was graded as 'outstanding' by the next officers who had replaced the Reporting Officer Mr. Manish Kumar Meena and Reviewing Officer Mr. S K Misra, which was accepted by the Accepting Authority as 'very good'. The contention of the petitioner, through his counsel, is that the two officers, reporting as well as reviewing, being hostile to the petitioner, as he had not joined them in the malpractices being conducted by them, decided to spoil his career by downgrading his APARs so that he may not get a chance of promotion.

16. Learned counsel for the petitioner has produced an Office Order dated 28.03.2025 issued by the respondents Authorities, whereby a Court of Inquiry was ordered to be conducted for the malpractices against Mr. Manish Kumar Meena, Commandant from the years 2017-18 to 2019-20. The issuance of this order has not been questioned by the learned counsel appearing for the respondents, which clearly indicates that the concerns raised by the petitioner by his protests and written complaints with regard to corrupt and malpractices by his Commanding Officer Mr. Meena were found to be correct by the authorities later on, so as to order the Court of Inquiry against him.

17. The petitioner has restricted his petition to the APARs for the year 2018-19, which is further described in the following table:

Period	Remarks of Reporting Officer & Grade	Remarks of Reviewing Officer & Grade	Remarks of Countersigning / Accepting Authority & Grade	Final Grade
04-062018 to 31.03.2019	(Manish Kumar Meena, Commandant) The Officer's work efficiency is good in all matters related to administration and operations. As a D.O. (Admin/Accounts), the officer's discipline and behaviour are good, but there is no sense of working in harmony. Additionally, the officer does not take the orders of senior officers seriously, and even after being given proper instructions from time to time, the officer performs the work according to his own will, for which warning and advice letters have also been given. During the reporting period, the officer's performance of the tasks assigned has been 'good'. Grade: 5.9	(Subrat Kumar Mishra, DIG) I agree with the assessment of Reporting Officer. His work and conduct during the period under report remained Good. Grade: 5.9	(Vijay Kumar, IG) Agreed.	Good

18. Learned counsel for the petitioner has drawn the attention of this Court towards the advisories/warnings issued to the petitioner during the period of the subject APAR and that the petitioner had filed replies/representations against all these advisories/warnings memos but the same have not been finalized by the competent authorities, which further indicates that these advisories/warnings were just issued as a ploy to spoil the APARs of the petitioner.

19. From the aforesaid facts, it has been amply established that the Reporting and the Reviewing Officers of the APARs of the petitioner were hostile towards him and, as such, the recording of APARs against the petitioner was actuated with mala fides so as to revenge the complaints of the corrupt/malpractices carried out at the formation of 62 Bn. CRPF.

20. Standing Order No. 04 of 2015 mandates that an officer must have supervised the work of the subordinate for a minimum of 90 days before recording or accepting his APARs, however, in the present case, Shri Vijay Kumar, Inspector General, joined the Sector only on 16.02.2019 and remained there till 29.04.2019 and, observed the petitioner's work only for 44 days and the same was well short of the mandatory requirement of 90 days; that despite this clear statutory bar, he proceeded to accept the APARs of the petitioner; that this is not a mere irregularity but goes to the very root of jurisdiction. Delhi High Court in '*Mritunjay Kumar v. Union of India*' reported at **2024:DHC:7360-DB**, has held that unless the reporting or reviewing authority has observed an officer for at least three months, he cannot validly record the

APAR. Hence, for this reason alone, the entire APAR of 2018-19 stands vitiated.

21. Clause 3.19 of the Standing Order stipulates that the use of phrases such as “I agree” or “I disagree” by the reviewing or accepting authority shall not by itself be construed as sufficient reason to upgrade or downgrade an APAR. Relevant Clause 3.19 is extracted as under:

“3.19 I agree or disagree with the Reporting Officer/Reviewing Officer used by the Reviewing/Accepting Authority shall not be construed as sufficient reason for upgrading/downgrading the overall grading given by the Reporting Authority/Reviewing Authority.”

The purpose of this clause is to ensure application of mind, and to require that reasons are recorded when agreeing with or differing from the reporting officer. In the instant case, both the reviewing and accepting authorities have simply written “I agree” with the assessment of the reporting officer, without disclosing any reasons whatsoever; that this perfunctory approach is in direct violation of Clause 3.19, and on this ground also the APAR is liable to be set aside.

22. The representation of the petitioner was alleged to have been rejected in a wholly arbitrary and delayed manner. The petitioner submitted a detailed representation on 10.11.2019 raising as many as 29 distinct grounds, including specific allegations of bias, procedural violation, and detailed replies to the cautionaries issued and the Standing Order requires that such representation be disposed of objectively and within 30 days, in consultation, if necessary, with

the reporting or reviewing officers. Relevant **Clause 13(vi)** is extracted as under:

*“vi) The Competent Authority for considering adverse remarks under the existing instructions may consider the representation, if necessary, in consultation with the reporting and/or reviewing officer and shall decide the matter objectively based on the material placed before him within a period of **thirty days** from the date of receipt of the representation.”*

In the present case, the representation was rejected after more than 13 months, vide order dated 15.02.2021, which is a clear violation of Clause 13(vi) of the Standing Order. Further, the rejection order without adverting to the grounds taken by the petitioner; is non-speaking order, passed mechanically, and violative of principles of natural justice.

23. Next contention made on behalf of petitioner is that the entire assessment of the petitioner for the year 2018-19 was vitiated by personal bias and mala fides; that the reporting officer, Commandant-Manish Kumar Meena, and the reviewing officer, DIGP-Subrat Kumar Mishra, bore animosity towards the petitioner because he resisted and exposed their irregular and corrupt practices in administrative, provisioning, and operational matters; that the petitioner was not allowed to discharge his charter of duties in a fair manner, and he had to address written complaints to higher authorities; that in retaliation, a series of false advisories and cautionaries were issued, and his APAR was deliberately downgraded; that this bias is demonstrated by a comparison of his record: prior to 2018, his APARs were consistently

“Outstanding/Very Good”; immediately after August 2020, when other officers became his reporting and reviewing authorities, his APARs were again “Outstanding/Very Good”; that it is only during the tenure of these two officers that he has been consistently downgraded.

24. The alleged bias is further confirmed from the words of the accepting authority himself; that while upgrading another APAR, he noted that there were “no shortcomings in the petitioner’s professional performance” but that there were “personal issues with the CO” which affected relations. This is a categorical admission that personal likes and dislikes had crept into the assessment; that there is also an internal contradiction in the impugned APAR which reveals non-application of mind. In Part III, the reporting officer fully agreed with the petitioner’s self-appraisal, acknowledging that he had completed the tasks entrusted to him, including anti-naxal operations, and that he had been awarded a DG’s Commendation Disc for election duties. Yet, in Part V, he suddenly concludes that the petitioner’s work was merely “Good” and that he did not take orders seriously. Such inconsistency in the same report shows *mala fide* intent rather than genuine evaluation; that the downgrading is wholly arbitrary as during the very same year 2018-19, the petitioner was being formally commended at the highest levels of CRPF; that he received appreciation certificates from the DIG, the IG, and was awarded the DG’s Commendation Disc for ensuring peaceful conduct of elections.

25. The APAR for 2018-19, having been accepted by an incompetent authority, who had not observed the petitioner for the requisite period; downgraded mechanically in violation of Standing Orders; the representation

has been rejected after inordinate delay by a non-speaking order; is vitiated by admitted bias and *mala fides*; it contradicts contemporaneous recognition of petitioner's meritorious service; and it is against the settled law laid down by the Courts. The adverse remarks actuated with malice, therefore deserve to be quashed.

26. Having regard to the discussion made hereinabove and the reasons assigned, it is concluded that the Commanding Officer Mr. Manish Kumar Meena faced with the protests/complaints by the petitioner raising allegations of corruption against him reported adverse APARs of the petitioner and prepared memos to justify his adverse remarks to take out his irritation. There is no hesitation to hold that the memos with regard to advisories/warnings had been created merely to justify the adverse report of the Reporting Officer. This Court is, thus, compelled to observe that the Reporting Officer as Commandant 62nd Bn. had acted with extreme bias and had even proceeded to prepare documents/memos with the same objective to ruin the career of the petitioner who had been deprived of the promotion that he deserved. Instead of demonstrating leadership, guide and mentor for the subordinate officers, the superior officers have conducted themselves with vindictiveness and malice towards the petitioner. Since a Court of Inquiry is already ordered by the respondents against the Commandant, Mr. Manish Kumar Meena, this Court refrains itself from recommending any other action against him.

27. As a result, the writ petition is allowed as the Court finds no justification in the adverse remarks in the APARs of the year 2018-19 and direct that those be expunged. A direction is issued to the respondents to

conduct a review DPC to consider the case of the petitioner for next promotion if his junior has already been promoted and if so found fit to grant him the promotion from the date his immediate junior was promoted, with all consequential benefits.

28. The present petition along with pending application(s), if any, is thus disposed of.

Jammu:
29.10.2025
Raj Kumar

(M.A Chowdhary)
Judge

Whether the order is speaking?	Yes
Whether the order is reportable?	Yes

This judgment is being pronounced by me today, in terms of Rule 138(3) of the J&K High Court Rules, 1999.

Jammu:
29.10.2025

(RAHUL BHARTI)
JUDGE