

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10479 of 2015

Date of Decision: 05.10.2015

Jaswinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Padamkant Dwivedi, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

For the assessment year 2006-07 adverse remarks were recorded in the Annual Confidential Report of the petitioner. During the same year, the petitioner was confounded with charge-sheet for committing misconduct to which he replied. The reply was found satisfactory and the charge-sheet was filed by the disciplinary authority. However, in the meanwhile for the year in question, adverse remarks had come to be recorded in his annual confidential rolls for the same occurrence which formed subject matter of the charge-sheet.

Feeling aggrieved by the recording of adverse remarks, the petitioner represented to Government that the adverse remarks in the ACRs be expunged. He has met with no success on his several representations for even a consideration for expunging the ACRs and bureaucratic apathy

continues to rule the roost.

The final representation was made on December 23, 2014 a copy of which is placed at Annexure P-4. There may be delay but till so far the adverse remarks and average grading did not obstruct the petitioner's career path but today his ACP scale is held up due to the ACRs of 2006-07 which let him down.

Appearing for the petitioner the learned counsel submits that the cause of action is recurring in the sense that the average grading is seriously disadvantaging him by the hour and, therefore, the writ would be maintainable and not viewed as suffering from delay and laches. Though recording of ACRs is a matter in the province of the subjective satisfaction of the reporting authority etc. but according to the petitioner the adverse remarks were recorded as a result of perceived animosity and bias nurtured by the reporting officer against the petitioner, who works as a Divisional Forest Officer.

In the circumstances, the learned counsel for the petitioner would be satisfied if a direction is issued to the respondents to consider and decide his client's representation within a time bound period.

The request is fair and reasonable since grievances of employees must be attended to with reasonable promptitude as an obligation to discharge. However, this order will not be taken as an expression of opinion on the merits of the claim which will be resolved in accordance with rules. It would be in the fitness of things if the petitioner is personally heard before decision is rendered.

Since interference in writ jurisdiction at this stage is neither

feasible nor proper, therefore, a direction is found fit to issue to the 1st respondent to consider and decide the representation dated December 23, 2014 (P-4) and the previous ones within two months from the date when certified copy of this order is made available.

It will be open to the competent authority which grants the ACP scale to consider in case the adverse remarks require to be expunged and the grading improved from “average” then the ACP scale be granted to the petitioner in case he is found eligible as a result of the order that is to be passed then to hand over the monetary benefits of the scheme without compelling him to litigate again. If the decision is adverse, then it would be a different matter and the petitioner then can take recourse to judicial process for which, needless to say, he remains at liberty, always.

The petition stands disposed of with the above directions.

(RAJIV NARAIN RAINA)
JUDGE

05.10.2015
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