

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 2608 of 2013

Date of Decision : August 27, 2015

Jagat Singh Petitioner
Vs.
State of Haryana and others Respondents

Case No. : C. W. P.No. 19405 of 2013

Date of Decision : August 27, 2015

Subhash Chander Petitioner
Vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. R. N. Lohan, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

These two petitions being **C. W. P. No. 2608 of 2013** and

C. W. P. No. 19405 of 2013, involving similar questions of fact and law,

were taken up for hearing together and are being disposed of by this common judgment. For the sake of convenience, facts are being extracted from **C. W. P. No. 2608 of 2013**.

The petitioner seeks quashing of order dated 20.01.2010 (Annexure P-7), through which punishment of warning has been inflicted on him, as also order dated 26.07.2010 (Annexure P-10), through which his representation against the adverse remarks in his Annual Confidential Report (ACR) for the period from 01.04.2009 to 31.03.2010 has been rejected. He further challenges the order dated 16.08.2010 (Annexure P-11), through which his second representation made against the adverse remarks recorded against him for the period from 01.04.2009 to 31.03.2010 has been rejected holding the same to be not maintainable.

A few uncontroverted facts may be noticed.

While the petitioner served as a Constable, he was charge-sheeted for taking monthly illegal gratification from persons indulging in *Satta* (gambling). In the inquiry which ensued, the petitioner was found guilty and on the basis of such proven guilt, through punishment order dated 20.01.2010 (Annexure P-7), he was warned to be careful in future.

For the relevant period i.e. from 01.04.2009 to 31.03.2010, adverse entries in his Annual Confidential Report (ACR) were conveyed to him with the following remarks :-

- | | |
|-----------------------|---------------------|
| “1. <i>Discipline</i> | <i>Indiscipline</i> |
| 2. <i>Integrity</i> | <i>Corrupt</i> |

- | | | |
|----|------------------------|-------------------|
| 3. | <i>Reliability</i> | <i>Unreliable</i> |
| 4. | <i>Moral character</i> | <i>Immoral</i> |
| 5. | <i>General remarks</i> | <i>Poor”</i> |

The petitioner represented against the above adverse remarks, but vide order dated 26.07.2010 (Annexure P-10), his representation was considered and rejected by the Inspector General of Police, Hisar Range, Hisar. His second representation against the above referred adverse remarks was also rejected by the Inspector General of Police after holding that no second representation was maintainable.

The punishment order inflicting upon the petitioner the punishment of “warning” is dated 20.01.2010 (Annexure P-7). The present petition has been filed in February 2013. No worthwhile explanation for the delay to challenge the above referred order of punishment has been furnished.

Even otherwise, the punishment order is based on a very serious charge against the petitioner of accepting monthly illegal gratification from persons running gambling dens in the area of jurisdiction of the petitioner. This serious charge was inquired into through a regular departmental inquiry, which found the petitioner guilty. No flaw in the procedure followed during the inquiry proceedings has been pointed out. The departmental inquiry showed that the petitioner, along with his colleagues, had been slow in taking action against the operators of gambling dens. I find no reason to interfere with the findings of the guilt

arrived at against the petitioner, as also the punishment meted out to him on account of such proven guilt. In fact, I find that the case of the petitioner has been dealt with rather leniently.

The other challenge raised in the present petition is to the recording of adverse remarks for the period from 01.04.2009 to 31.03.2010, during which the petitioner indulged in accepting monthly illegal gratification from persons running gambling dens in the area under his jurisdiction. As observed earlier, the petitioner has been found guilty of charges of corruption. It is but natural for his Reporting Officer to be of the opinion that the petitioner enjoyed bad reputation with regard to his integrity, character etc. In the facts of the case in hand, I do not intend to interfere with the subjective opinion of the Reporting Officer, especially in the absence of any mala fides, even raised by the petitioner against him.

Accordingly, finding no merit in both these writ petitions, the same are ordered to be dismissed, with no order as to costs.

(DEEPAK SIBAL)
JUDGE

August 27, 2015
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