

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 5071 of 2013

Reserved On : September 08, 2015

Pronounced On : 11.09.2015

Balwan Singh Petitioners
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. Aakash Singla, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present writ petition, the petitioner seeks quashing of order/letter dated 02.05.2011 (Annexure P-1) and order/letter dated 22.07.2011 (Annexure P-4), whereby the representations, filed by the petitioner seeking review of communicated adverse Annual Confidential Reports (ACRs), have been rejected.

The two ACRs in question, against which the petitioner filed

representations, pertain to the years 2001-02 and 2003-04. These ACRs, which portray the petitioner's honesty as 'below average' and 'doubtful' respectively were conveyed to him on 25.06.2002 and 30.07.2004 respectively. The representations against the adverse remarks, which undisputably, as per the applicable instructions, were required to be made within 45 days of their receipt, were made in October 2010 i.e. after a delay of over 08 years and 06 years respectively. No explanation for the said delay has been furnished. The representations, thus, have rightly been rejected on the ground of delay and laches.

Even otherwise, the service record of the petitioner shows him in poor light. Over the years, the petitioner, a bus Conductor, has been found to have indulged in proven embezzlement on at least 24 occasions. Out of these 24 occasions, for 09 of them, he has been punished with stoppage of increments and for the remaining 15, he has been censured.

Further, no mala fides have been even alleged by the petitioner against the subjective satisfaction expressed by the Reporting Officer of the petitioner, while recording his ACRs.

In view of the above, finding no merit in the present writ petition, the same is ordered to be dismissed.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 11.09.2015

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