

Sr.No.260

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-73-2015(O&M)

Decided on: 17.11.2015

Bhal SinghPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Aditya Yadav, Advocate for the petitioner.

Mr.Hitesh Pandit, Addl. A.G. Haryana.

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Mahesh Grover, J

The petitioner impugns Annexure P5, an order passed by the Inspector General of Police regarding adverse remarks against the petitioner, to define him an officer of doubtful integrity.

The reporting officer of the petitioner had recorded the petitioner's conduct as good but the impugned order was passed by the Inspector General of Police as Reviewing Authority downgrading the ACR of the petitioner.

Reply to the petition has been filed and as a measure of justification, it has been stated that the petitioner was facing proceedings pursuant to a FIR. Apart from this no other reason has been given to question the integrity of the petitioner.

The petitioner contends that he stands acquitted in the criminal proceedings registered against him on the basis of FIR which is the basis of the adverse entry against him and therefore, there was no reason or any sustainable material which could form the basis of an adverse opinion against him.

On due consideration of the matter, I am of the opinion that Annexure P5 is unsustainable in law. The Reviewing Authority in the event of disagreeing with the authority empowered to assess the conduct of an officer who is under his domain in the matter of service can differ only if there is some sustainable material reflected in the order itself. Except to state that the petitioner is of doubtful integrity, nothing is reflected to indicate the basis of such an opinion. Even if the reply is taken into

consideration and registration of FIR taken to be a valid reason, then also in the wake of the petitioner's acquittal such an adverse remarks would need to be reevaluated.

Consequently, the petition is allowed and the impugned order Annexure P5 is set aside and the respondents are directed to reconsider the issue in the light of what has been stated hereinabove.

17.11.2015

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(MAHESH GROVER)

JUDGE