

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1635 of 2013 (O&M)
Date of Decision:- 27.07.2015.

State of Punjab and others

.....Appellants

Versus

Sub-Inspector Kewal Krishan (deceased) through LR

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Aman Bahri, Additional A.G. Punjab.

None for the respondent.

SURYA KANT, J. (ORAL)

1.) This Letters Patent Appeal assails the order dated 09.11.2012 whereby learned Single Judge has allowed the writ petition filed by the respondent (since deceased) and has directed the appellants to consider the respondent for promotion to the post of Sub-Inspector after a period of three years had lapsed from the recording of the adverse entry for the period from 01.04.1987 to 31.03.1988 and subsequently, from the date his juniors were promoted. Only notional benefits were ordered to be granted to the

respondent.

2.) The facts are broadly admitted. The respondent joined the Police Department as Constable on 01.04.1964 and was promoted as a Head Constable w.e.f. 01.04.1975. He completed his intermediate and Upper Class Training Courses in the year 1983 and 1988, respectively and was promoted as Assistant Sub Inspector on 25.04.1986 followed by *ad hoc* promotion as Sub Inspector in June, 1986.

3.) The respondent received two adverse reports for the period from 12.06.1986 to 31.03.1987 wherein column Nos.3, 6, 9, 10 and 16 are to the following effect:-

<i>"3. Moral Courage and readiness to expose the malpractice of subordinates.</i>	<i>Poor</i>
<i>6. General power of control and organising ability</i>	<i>Poor</i>
<i>9. Personality and initiative.</i>	<i>Personality mediocre, Initiative poor.</i>
<i>10. Power of command</i>	<i>Poor</i>
<i>16. Defects, if any, whether these have been brought to the notice of the official concerned in any other communication.</i>	<i>Warned three times for lack of discipline and control."</i>

4.) The other report was for the period from 01.04.1987 to

31.03.1988. This report need not be reproduced as admittedly on a representation made by the respondent, the adverse remarks were expunged and that report was upgraded.

5.) It is also an admitted fact that the respondent was promoted as officiating Sub-Inspector w.e.f. 30.5.1992 i.e. after expiry of five years period from the adverse remarks upto 31.03.1987.

6.) It is in this backdrop that the solitary question that arose for consideration of learned Single Judge was whether the respondent was entitled to be considered for regular promotion after three years of expiry of the adverse remarks or five years?

7.) Learned Single Judge has viewed that since the remarks in the ACR for the period from 12.06.1986 to 31.03.1987 are minor adverse remarks, the same should not prejudice the service career of respondent. He has drawn support from the judgment of the Division Bench against which SLP was dismissed by the Apex Court. The judgment as reproduced by learned Single Judge is apparently in identical circumstances.

8.) Be that as it may, we have considered the adverse remarks given to the respondent. There is no negative comment on his integrity and honesty. It appears that the respondent was adjudged poorly in terms of moral courage or general power of control as a result of personal perception of the reporting officer who did not deem it appropriate to cite any instance where the respondent

was found wanting in showing the desired moral strength. In the totality of the circumstances, the view taken by learned Single Judge is plausible, just and fair and calls for no interference by this Court.

9.) Dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

July 27, 2015.

sandeep sethi