

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11797 of 1995

Date of Decision: 18.02.2016

Balwant Rai Gupta

... Petitioner

Versus

The State of Punjab and another

... Respondents

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

Present: None for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

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

RAJIV NARAIN RAINA, J.

1. No one appears for the petitioner when the case is called for hearing. No valid ground to await appearance especially when four old matters are shown in urgent peshi in the daily cause list for final disposal as devised by this Court. Therefore, I have heard Mr. Manuja for the State who is prepared to address arguments.

2. Though this petition was filed earlier to accompanying CWP No.17561 of 1995 which has been dismissed today by a separate order, I cannot see my way around to interfere in the matter of adverse ACRs which depend on subjective satisfaction of the reporting officer. The disputed ACRs cannot be castigated in recording remarks on the ground they are vitiated by oblique motive or the red entries are in colourable exercise of power to form opinion in writing assessing the work and conduct of the

petitioner. I would also not agree that the representations against the recording of adverse ACRs were rejected in a mechanical manner as pleaded. In the matter of ACRs the accepting or confirming authority are not required to write a thesis or a quasi judicial order dismissing representations and the principles of natural justice may not stretch that far afield when they are in character non-statutory.

3. No ground is made out for interference in this petition and the same is hereby dismissed. The fate of this petition is sealed with the dismissal of the accompanying writ petition preferred against the order of the premature retirement which order was passed in review at the stage of 55 years and has been upheld as legal and valid and therefore the prayer for upgrading the ACRs in the instant petition stands subsumed and buried in the orders issued in CWP No.17561 of 1995 finding no merit therein.

(RAJIV NARAIN RAINA)
JUDGE

18.02.2016
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