

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**C.W.P No. 15652 of 1995
Date of decision : 16.03.2016**

Head Constable Jagdev Singh

...Petitioner

versus

State of Haryana & ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amit Kohar, Advocate
for the petitioner.

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

RITU BAHRI , J. (Oral)

By way of present writ petition, petitioner is seeking quashing of adverse remarks conveyed to the petitioner vide letter dated 19.2.1993 in the confidential report for the period from 01.01.1992 to 31.12.1992 and also for quashing memos dated 18.06.1993, 30.03.1995 (P-3 and P-4), vide which the representations of the petitioner against the aforesaid adverse remarks recorded in his confidential reports have been rejected.

Petitioner was recruited as Constable in Haryana Police and was deputed to do his Lower School course. Further he was promoted

as Head constable. He was then deputed to undergo his intermediate course. Thereafter, adverse remarks for the period 01.01.1992 to 31.12.1992 were conveyed to him, vide order dated 19.02.1993. Petitioners gave two representations against the adverse remarks, which were also dismissed vide (P-3 and P-4). Thereafter, juniors to the petitioners were promoted as ASI's and the petitioner was ignored due to adverse remarks.

On notice, a written statement has been filed by respondent Nos. 1 to 4 stating therein that respondent No. 3 brought the names of 29 Head Constables out of which 9 were Adhoc ASIs and one Adhoc SI having passed their intermediate school course on promotion list 'D' w.e.f 18.11.1993 to 27.07.1994 vide order dated 23.09.1994. They were given officiating promotion in the rank of ASI w.e.f 23.09.1994 and the name of the petitioner was also considered but was rejected as he has 4 good and 2 bad entries in his credit. His two increments were also stopped with permanent effect vide order dated 03.01.1994 after charges of misbehave proved against him in a departmental initiated on receipt of complaint demanding Rs.5000/- from one Sh. Davinder Singh .

Further despite adverse remarks for the ACR for the period from 01.01.1992 to 31.12.1992 regarding integrity doubtful, one

increment was also stopped with permanent effect and thus he was not promoted. A departmental enquiry was conducted against the petitioner regarding threatening a public man and demanding illegal gratification. In this enquiry, after proving the charge of misbehave, punishment of stoppage of two future increments with permanent effect was awarded to the petitioner, which were later-on reduced into one by the D.G.P, Haryana on acceptance of the appeal filed by the petitioner. Petitioner has earned only four good entries in 27 years of service.

The contention of learned counsel for the petitioner that it is nowhere stated that on which account, the work of the petitioner was found un-satisfactory, is rejected as respondents in their written statement has categorically stated that A departmental enquiry was conducted against the petitioner regarding threatening a public man and demanding illegal gratification. In this enquiry, after proving the charge of misbehave, punishment of stoppage of two future increments with permanent effect was awarded to the petitioner, which were later-on reduced into one by the D.G.P, Haryana on acceptance of the appeal filed by the petitioner. Further Petitioner has earned only four good entries in 27 years of service and as per instructions of the Government, every one bound to earn 70% good entries for getting

further promotion. Petitioner was not brought on list 'D' as there was adverse remarks of integrity doubtful.

In view of the above factual position, no ground is made out to quash letter dated 19.2.1993.

The writ petition is dismissed being devoid of any merit.

(RITU BAHRI)
JUDGE

16.03.2016

G Arora