

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

CWP No.309 of 1997

Date of decision: 25.5.2016

Harjit Singh

... Petitioner

Versus

Shivalik Kshetriya Gramin Bank & anr.

... Respondents

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

Present: Mr. RS Bains, Advocate,
for the petitioner.

Mr. GS Bajwa, Advocate,
for the respondents.

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

RAJIV NARAIN RAINA, J.(Oral)

1. Mr. Bajwa very candidly admits that the record of confidential rolls of MR Chawla are not available with the Bank since the Banks were merged and Chawla was repatriated to its parent department many years ago and retired from service about 20 years back. Before he left, he gave the petitioner a pat on his back by damaging his ACR for the period March 31, 1995 to March 31, 1996 [Annex. P-2]], which period it turns out was the most productive year for the Bank in its past history of banking business. The petitioner brought in the bank by his skill revenue by way of deposits from customers and thereby built the customer base. The gradual increase of revenue of the Bank through deposits is described in figures in para. 12 of the petition, the chart of which looks like this:-

Year ending March

Deposits (In lacs) Rs.

31.3.1988	20.01
31.3.1989	23.82
31.3.1990	30.33
31.3.1991	26.16
31.3.1992	35.10
31.3.1993	38.95
31.3.1994	39.84
31.3.1995	42.96
31.3.1996	55.67

2. The volume of deposits in lakhs for the years 1995-96 are contrary to performance appraisal at the hands of MR Chawla, who was the reporting officer of the petitioner at that time of recording adverse ACRs. He recorded in his note dated September 13, 1996 [Annex. P-2] that the petitioner's performance for the year ended March 31, 1996 has been found unsatisfactory. To reach this conclusion he drew the attention of the petitioner towards DO letter dated July 3, 1996, wherein his shortcomings were pointed out. Chawla hoped in his letter conveyed to the petitioner that during the current year and the next the period of assessment he would put his whole hearted efforts to achieve all the targets allotted to him pertaining to deposits, advances, recovery and thereby would improve his performance. It is against this adverse entry that the petitioner has approached this Court under Article 226 for a direction that the same be quashed as it is not supported by record and is merely *ipse dixit* of Chawla without any tangible material to damage the service career of the petitioner for no valid reason.

3. This Court had passed an interim order on May 18, 2016 to produce the confidential rolls of MR Chawla and his performance during the same period while he was on deputation with the respondent-Bank and the Court had then in mind to examine his performance during the same year since he was in charge of the Bank motivating his officers to do their best. In absence of record, this Court believes that the remarks have been occasioned by bias and are distinctly not founded on facts.

4. Accordingly, the writ is allowed. The impugned order is quashed by certiorari. The natural consequences will follow both pecuniary and non-pecuniary by mandamus issued. The case of the petitioner be reviewed by the Bank after merger since it has inherited the liabilities and responsibilities of the erstwhile Bank incurred before the merger carried forward thereafter. The exercise be done within three months from the date of receipt of a certified copy of this order and the benefits arising from setting aside the adverse ACR be re-fixed and then handed over to the petitioner within a month from the final decision.

(RAJIV NARAIN RAINA)
JUDGE

25.5.2016
monika