

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

CWP No.6393 of 1998 (O&M)

Date of Decision: 23.5.2016

Amrik Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr.K.G.Chaudhary, Advocate for the petitioner

Mr.Harkesh Manuja, Addl.A.G., Punjab

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. The imputation of misconduct which led to conveying of adverse remarks to the petitioner for the period from 1st October, 1993 to 31st March, 1994 also became subject matter of charge-sheet and enquiry proceedings. The reporting authority had recorded for the aforesaid period adverse remarks in Column No.18 that the petitioner “should improve his reputation regarding honesty” but in Column No.1 his integrity has been recorded as “Doubtful”.

2. Without going into the inter-play of remarks recorded in Column Nos.1 and 18, this petition deserves to be allowed for the reason that the charge-sheet and the substance on which adverse remarks in the ACR in question were recorded has led to exoneration. The exoneration from the same charge removes the base of the remarks recorded in Column Nos.1 and 18 of the ACR appraisal form. As a result, the remarks cannot be read against the petitioner for the period of assessment. The petitioner's integrity can no longer

be regarded as doubtful.

3. For this short reason, this petition is allowed and the adverse remarks recorded in the ACR for the period from 1st October, 1993 to 31st March, 1994 are quashed in the light of the findings arrived at in the enquiry report where the petitioner's innocence has been established on the charge of major misconduct. There is nothing else against the petitioner for the period of review of work and conduct adverse to him. In view of the removal of stigma of integrity doubtful, the petitioner would be entitled to all the consequential benefits, if any, that may have been available to him, but for the recording of the adverse remarks in the ACR for the said period doubting his integrity.

23.5.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE