

CWP-18706-2016(O&M)

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

**CWP-18706-2016(O&M)
Date of Decision : 29.03.2017**

MAHESH KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.S.Gopera, Advocate
for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has prayed for quashing of the impugned letter dated 16.1.2013 Annexure P-7 issued by respondent No.4 conveying adverse remarks for the period from 9.04.2012 to 31.10.2012 and also quashing the impugned orders dated 23.1.2014 and 7.7.2014 passed by respondents No. 3 and 2 respectively, whereby the representation and the appeal against the communication of adverse remarks have been rejected.

Learned counsel for the petitioner has argued that both the orders, recording adverse remarks and dismissing the appeal are vitiated because they are both based on the fact that at that stage a proceeding for major penalty were pending against the petitioner. Learned counsel for the petitioner has further argued that after the adverse remarks were recorded the petitioner faced the enquiry and ultimately the disciplinary authority filed the enquiry. However, the appellate authority i.e. the I.G set aside the

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order of disciplinary authority and imposed punishment. Three months later the same officer rejected the appeal against the adverse confidential report without noticing that his own order imposing punishment had in the meantime been set aside by the Director General of Police. Learned counsel for the petitioner states that at this stage, he would be satisfied if the impugned letter dated 16.1.2013 Annexure P-7 is set aside and IGP, IRB Bhondsi is directed to re-decide the appeal of the petitioner within any reasonable time. In view of the facts, learned AAG also states that this might be best course of action.

In the circumstances, the limited prayed made by learned counsel for the petitioner is accepted. The impugned letter dated 16.1.2013 Annexure P-7 is set aside and a direction is given to the appellate authority i.e. respondent No. 3 to decide the appeal of the petitioner against the adverse remarks recorded in the ACR. Let necessary exercise be concluded within 2 months from the date of receipt of certified copy of this order.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

29.03.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No