

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

CWP No.25446 of 2014

Date of Decision:-16.03.2017.

Dalbir Singh ASI

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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Present: Mr. K.B. Sharma, Advocate for  
Mr. D.R. Sharma, Advocate for the petitioner.

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

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**P.B. BAJANTHRI, J. (Oral)**

1.) In the instant writ petition, the petitioner has questioned the validity of Annexure P-7, P-9 and P-11 dated 26.6.2013, 12.12.2013 and 17.2.2014, respectively.

2.) The petitioner while working as ASI and when he was posted as Research Officer in Police Station, Kotwali, SHO Police Station, Kotwali submitted a communication on 18.6.2012 stating that integrity of petitioner and another Research Officer, namely, ASI Harkesh in performing their duties is doubtful due to which the image of police is damaging etc. The same was taken note by the Commissioner of Police, Faridabad on 19.6.2012 advised the petitioner to improve his conduct and also warned that if any adverse input comes to notice in this regard in future, adverse entry will be made in his Annual Confidential Report. Whereas, on

26.6.2013, while writing Annual Confidential Report of the petitioner for the period from 1.4.2012 to 31.3.2013, the very same advisory note has been taken into consideration. Feeling aggrieved by Annexure P-7 dated 26.6.2013, the petitioner submitted a representation to the Director General of Police, Haryana through proper channel. The same was rejected on 12.12.2013 and the decision of the Director General of Police, Haryana was communicated to the petitioner by the office of the Commissioner of Police, Faridabad on 17.2.2014. Thus, the present petition.

3.) Learned counsel for the petitioner submitted that Annexure P-1 by which the SHO Police Station, Kotwali communicated to the Commissioner that the petitioner and another performance of duty are doubtful are without any basis as is evident from Annexure P-1. No incident of doubtful integrity has been stated. Therefore, it is a vague communication of SHO to Commissioner further acting on the SHO communication by the Commissioner of Police on 19.6.2012 advising the petitioner in future. In this background, writing of Annual Confidential Report for the period from 1.4.2012 to 31.3.2013 with reference to advisory note of the Commissioner of Police, Faridabad dated 19.6.2012 is not tenable and so also there is no consideration of the petitioner's contentions by the next higher authority, namely, Director General of Police, Haryana. Hence, Anneuxre P-7, P-9 and P11 are liable to set aside.

4.) Per contra, learned counsel for the respondents submitted that the Commissioner of Police has taken into consideration confidential report of the SHO, Police Station Kotwali, Faridabad. Therefore, there is no infirmity, since confidential report obtained that petitioner is indulging in

has been reflected in the confidential report for the period from 1.4.2012 to 31.3.2013. Hence, there is no infirmity in writing adverse remarks so also rejection of the petitioner's representation by the Director General of Police, Haryana.

5.) Heard learned counsel for the parties.

6.) Perusal of Annexure P-1, it is evident that it is a very vague allegations made by the SHO Police Station, Kotwali. Not even a single incident has been cited to the extent that the petitioner is involved in corrupt practices so as to attract that petitioner's performance of duties is doubtful. In the absence of necessary material, the Commissioner should not have resorted to issuance of advisory note to the petitioner so also writing Annual Confidential Report for the period from 1.4.2012 to 31.3.2013 that there were confidential reports of corruption by the petitioner. Writing such a remark "reports of corruption" is not supported by any material and not even a single incident has been cited so as to point out that the petitioner is involved in corrupt practice while discharging duties of the post of Research Officer/ASI. Therefore, Annexure P-7, P-9 and P-11 are set aside.

7.) Petition stands allowed.

**(P.B. BAJANTHRI)**  
**JUDGE**

**March 16, 2017.**  
*sandeep sethi*

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.