

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 28126 of 2013
Date of Decision: May 24, 2017

Dharampal

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Karamveer Singh Banyana, Advocate,
for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

1. In the instant writ petition, petitioner has questioned adverse remarks recorded in Annual Confidential Report for the period from 01.04.2011 to 26.09.2011 and 27.09.2011 to 11.02.2012 (Annexure P/3) so also rejection of petitioner's representation dated 27.08.2013 (Annexure P/4).

2. In the Annual Confidential Report for the aforesaid period in particularly column no.9 reads as under:-

“Departmental enquiry initiated for not granting justice to the victim and for collusion with accused party.”

In respect of said issue, departmental enquiry was initiated and concluded in imposing penalty of reversion of petitioner on 23.11.2012 from the post of Assistant Sub Inspector to that of Head Constable. Disciplinary

authority's order dated 23.11.2012 was subject matter before the appellate authority which was confirmed. Consequently, petitioner has filed a civil suit No. 472 of 2012 which was decreed on 23.02.2015 in favour of the petitioner. Respondents-Department have not preferred any appeal against decree dated 23.02.2015. Consequently, it has attained finality.

3. In view of these facts and circumstances, communication dated 18.04.2013 of Annual Confidential Report (Annexure P/3) and rejection of petitioner's representation against adverse remarks of Annual Confidential Report dated 27.08.2013 (Annexure P/4) are set aside. If petitioner is entitled to any service and monetary benefits, same be extended at the earliest.

4. Instant writ petition stands allowed.

May 24, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No