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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5112 of 2015 (O&M)
Date of Decision: 14.07.2017

ASI Harkesh

.....Petitioner

Vs.

The State of Haryana and others **.....Respondents**

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. S.N. Yadav, Advocate,
for the petitioner.

Dr. Sushil Gautam, D.A.G., Haryana.

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AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks the quashing of the adverse remarks recorded in his Annual Confidential Report (ACR) for the period 01.04.2012 to 31.03.2013, the remarks being to the following effect:-

"There were reports of corruption against him"

Mr. Yadav, learned counsel for the petitioner submits that the aforesaid remarks are stated to be based upon a communication by the SHO, Police Station Kotwali, Faridabad, addressed to the Commissioner of Police, Faridabad, on 18.06.2014, stating therein that the present petitioner and one ASI Dalbir were working as investigating officers for the past 08 months and that the integrity of both these officials is doubtful, thereby tarnishing the image of the Police Department.

Mr. Yadav, learned counsel for the petitioner, further submits that despite the above communication, the reporting authority, i.e. the Superintendent of Police/Deputy Commissioner of Police, still gave a good report to the petitioner but the reviewing authority, i.e. the Commissioner of Police, Faridabad, recorded the

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petitioners' integrity to be doubtful. Similarly, the integrity of the aforesaid ASI Dalbir Singh was also recorded to be doubtful for the same period.

ASI Dalbir Singh filed CWP No. 25446 of 2014, before this Court, challenging the aforesaid remarks and upon consideration of the matter, a co-ordinate Bench vide its judgment and order dated 16.03.2017, fining that the remarks have been record on the basis of very vague allegation by the SHO, without any incident cited showing that the petitioner therein (Dalbir Singh) was involved in corrupt practices, allowed the writ petition and set aside the impugned orders passed therein, including the remarks recorded against said officer.

Mr. Yadav submits that obviously the petitioners' case is no different to that of Dalbir Singh, to which learned State counsel, at least on fact, submits that the factual position is as stated.

Keeping in view the above and the fact that a co-ordinate Bench, in identical circumstances, has already quashed the adverse remarks in the ACR of ASI Dalbir Singh, with nothing shown to this Court as to why it should differ from that finding which is respectfully agreed with, this petition is also allowed and the aforesaid remarks recorded in the ACR of the petitioner, for the period 01.04.2012 to 31.03.2013, are ordered to be expunged and an appropriate upgradation in his ACR is ordered to be made by the comptent authority.

Consequently, the communication Annexure P-10, from the office of the Director General of Police Haryana, to the Commissioner of Police, Faridabad, rejecting the petitioners' representation against expunction the said remarks, is also held to be non-operative.

July 14, 2017 **(AMOL RATTAN SINGH)**
nitin **JUDGE**

Whether speaking/reasoned Yes
Whether Reportable No.