

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

CWP-11558-2016

Date of decision: 16.11.2018

ASI Ranbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Harish Rathee, Sr. DAG, Haryana.

Ritu Bahri, J. (Oral).

The petitioner is seeking quashing of impugned order dated 08.10.2015 (Annexure P-7) whereby his representation dated 29.09.2015 (Annexure P-6) against his adverse ACR for the period 01.04.2014 to 31.03.2015 has been rejected on the ground that his representation was made after a gap of more than 70 days from the date of communication of the adverse remarks.

A perusal of the impugned order dated 08.10.2015 (Annexure P-7) shows that as per the State Government instructions dated 14.08.1987, representation against adverse remarks received within 45 days is to be entertained. However, the authority dealing with the representation can entertain the representation within 3 months of the expiry of said period of 45 days. In the present case, a representation was received on 06.10.2015 in the office, after a gap of 70 days and as per the State Government instructions, the petitioner could have filled representation within 45 days

but the representation was filed after 70 days. So, there was delay of only 45 days in making representation.

Learned counsel for the petitioner has also referred to the departmental inquiry dated 22.10.2014 (Annexure P-3) and order dated 17.11.2015 (Annexure P-4) passed by the Superintendent of Police whereby the petitioner was exonerated from the charges levelled against the petitioner in the departmental inquiry.

Without commenting on the merits of the case, this petition is disposed of and order dated 08.10.2015 (Annexure P-7) is set aside and the matter is being remanded back to respondent No. 3 to pass a fresh order on the representation of the petitioner without going into the issue of delay.

Disposed of.

16.11.2018
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No