

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

CWP-14596-2016

Date of decision: 20.11.2018

Ishwer Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Maninder Kaur, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Ritu Bahri, J. (Oral).

The petitioner is aggrieved by the order dated 04.01.2016 (Annexure P-3) whereby the Inspector General of Police, Karnal Range, Karnal has dismissed the representation of the petitioner against adverse remarks in the ACR for the period of 01.04.2014 to 31.03.2015 on the short ground that it was delayed by 47 days.

A perusal of the order shows that adverse remarks were conveyed to the petitioner by the SP/Karnal on 04.11.2015. Thereafter on 30.12.2015, after a gap of 47 days, his representation against adverse remarks was received in the office.

Learned counsel for the petitioner has referred to the instructions dated 14.08.1987 (Annexure P-6) whereby a representation against adverse remarks should be entertained if it is received within 45 days from the date of receipt of the letter communing the adverse remarks to the official concerned. However, the authority may entertain a representation within three months of the expiry of the said period if he is

satisfied with the sufficient cause for not submitting the representation in time. In the present case, after expiry of 45 days, the representation was delayed by two days only and no reason has been given as to why these two days delay could not be condoned? As per the reply filed by the respondents, the only ground to reject the representation is time barred.

Hence, without commenting on the reasons for recording the adverse remarks in the ACR, this petition is allowed and the order dated 04.01.2016 (Annexure P-3) is set aside. The matter is remanded back to Inspector General of Police, Karnal Range, Karnal to pass fresh order without going into the question of delay of receiving the representation.

20.11.2018
Divyanshi

(RITU BAHRI)
JUDGE

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