

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

**CWP No. 17608 of 2018
Date of Decision: 20.07.2018**

Gulab Singh Narwal

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Devinder Singh, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

This petition has been filed by the petitioner for expunging the remarks in the Annual Confidential Report for the year 2011 and 2012 against which his representations were dismissed by the contempt authority on 04.06.2013. The remarks were approved by the Minister and the Chief Minister in the year 2013. Against those orders the petitioner approached the National Commission for the Scheduled Castes & Backward Classes (NCSC), New Delhi who made some recommendations which led to the passing of the order dated 27.01.2016. The observations have been made by the Commission that it seems strange that the officer who recorded the ACR, as the accepting authority decided the representation and some other authority should have considered the representation and pass the order. Some observations have been made by the accepting authority grading the petitioner as 'average' for the year 2011. He has remarked that the

petitioner “did not prove to be a good officer, there were complaints about the petitioner fighting with the Executive Engineer.” The remarks were placed before the Chief Minister Haryana and were accepted sometime in May 2012. The second ACR disputed by the petitioner was also recorded by the same Accepting Authority Mr. K.K. Jalan, IAS, Financial Commissioner in which it is said that he did not interact at Head Officer and there was nothing much to write about the petitioner. He again graded the officer as 'average'.

Learned counsel submits this despite the reporting officer assessing the petitioner as 'good' his ACR was downgraded to average. These remarks were placed before the Chief Minister Haryana on 09.05.2014 and approved.

Leaving that aside, it is stated that the petitioner has been promoted as Chief Engineer despite the average ACR for the year 2012 and 2013. No mala fides have been alleged against Mr. K.K. Jalan and the principal argument is that he could not have dealt with his representations against his own decisions.

Be that as it may, the petitioner has not approached the Court within reasonable time when both the ACRs complained of are of 2011 & 2012 and the petitioner represented as late as in the middle of 2018. This delay is inordinate and has not been explained except that the petitioner approached the Commission, and, thereafter submitted a memorial to the Governor of Haryana which was declined on

23.05.2016. Cause of action accrued to the petition in 2013 when his representation was decided.

In these circumstances, I find that the petition suffers from inordinate delay and laches and the approach to the Commission and the Governor was non-statutory and, therefore, time kept running. For these reasons, I would dismiss the petition refraining to exercise the discretionary jurisdiction of this Court under Article 226 of the Constitution of India in a State grievance. It is made clear that ACRs are in the domain of the subjective satisfaction of the superior officer who has seen the work of the officer whose work is being reported on.

(RAJIV NARAIN RAINA)
JUDGE

20.07.2018

kv

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