

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

**CWP No. 3850 of 2018
Date of decision: 21.3.2018**

Krishan Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner is aggrieved by an order dated 13.11.2017 (Annexure P-5), vide which his representation against adverse remarks recorded in his ACR, has since been rejected.

A bare reading of the impugned order reveals that the adverse remarks were recorded in the ACR of the petitioner, for the period 17.9.2013 to 31.3.2014, by the then Superintendent of Police, Palwal. And, concededly, vide letter dated 14.5.2014, the petitioner was since conveyed the said remarks. The petitioner represented against the remarks recorded against him in the year 2017. Whereas, in terms of the Haryana Government notification dated 14.8.1987, a representation against adverse remarks could be entertained only within 45 days from the date of receipt of the communication of those remarks to the officer/official concerned, though the authority, dealing with the said representation, could entertain the said representation within a further period of three months, provided there existed

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a sufficient cause. As indicated earlier, the petitioner moved the representation after three years of those remarks were conveyed to him. Thus, the only and the inevitable conclusion respondent No.3 could reach; was to decline/reject his representation being time barred. On being pointedly asked, learned counsel for the petitioner could not show or point out, as to how the conclusion recorded by the authorities was either contrary to the record or suffered from any material illegality.

That being so, no ground is made out to interfere in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The petition being devoid of merit, is accordingly dismissed.

21.3.2018
Ak Sharma

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO