

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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**RSA-5340-2017 &
CM-14287-C-2017 &
CM-18888-C-2018**

Date of decision: 09.01.2019

SHAMSHER SINGH

...APPELLANT

VS.

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.S.Mor, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J.(ORAL)

CM-14287-C-2017

C.M. is allowed subject to just exceptions. Filing of certified copies of judgment and decree of trial Court dated 26.11.2015 is dispensed with.

CM-18888-C-2018

C.M. is allowed subject to just exceptions. Annual Confidential Report for the year 2011-12, rejection letter of the respondents are taken on record.

RSA-5340-2017

Challenge in this appeal is to the judgment and decree passed by the learned Civil Judge (Junior Division), Chandigarh dated 26.11.2015 whereby the suit for declaration and mandatory injunction preferred by the

appellant, whereby adverse remarks have been entered in the Annual Confidential Report of the year 2011-12 with regard to his honesty, has been dismissed, which decision has been upheld by the Appellate Court vide judgment dated 11.04.2017.

It is the contention of the learned counsel for the appellant that except for the entries made in Column Nos. 10 and 12, there is nothing in the Annual Confidential Report for the year 2011-12 which would indicate that he was not a consensual worker. He, thus, contends that the entry made with regard to Column Nos. 10 and 12 cannot sustain and deserves to be set aside and it should be treated as 'good'. Prayer has, thus, been made for setting aside the judgments impugned and for decreeing the suit of the appellant-plaintiff.

I have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the judgments passed by the Courts below as well as the Annual Confidential Report for the year 2011-12, which has been placed on record as Annexure A-1.

Column Nos. 10 and 12 of the Annual Confidential Report read as follows:-

10.	<i>Number of cases of embezzlement</i>	<i>18, 20, 30, 92, 40, 138, recovery 2500, 2000, 4000, 2500</i>
12.	Record for honesty (reason be given against the remarks of dishonesty)	Not honest

A perusal of the Annual Confidential Report for the year 2011-12 (Annexure A-1) although indicates that the way of working, handwriting, punctuality and regularity, capacity of good income, knowledge about rules and orders, capacity to issue tickets and other aspects including behaviour

towards passengers and general public have been found to be good and so recorded but the integrity has not been found to be above board and that has rightly been so recorded in the entry made in Column Nos. 10 and 12, as reproduced above. This Court does not find any illegality having been committed by the Courts below in passing the judgments impugned herein which would call for interference by this Court.

The present appeal being devoid of merit stands dismissed.

(AUGUSTINE GEORGE MAISH)
JUDGE

January 09, 2019

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No