

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
117(PROCEEDINGS THROUGH V.C.)**

CR-2214-2020

Date of decision: 07.09.2020

RAM KUMAR KHANGWAL

...PETITIONER

V/S

**ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF
HARYANA AND OTHERS**

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Arvind Seth, Advocate,
for the petitioner.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 07.01.2020 (Annexure p-1) passed by the Civil Judge (Jr. Division), Jhajjar, whereby the application under Order 39 Rules 1 and 2 preferred by the petitioner-plaintiff has been dismissed, which order when challenged by the petitioner in appeal before the learned Additional District Judge, Jhajjar has also been dismissed on 11.08.2020 (Annexure P-2).

It is the contention of the learned counsel for the petitioner that the Annual Confidential Report for the period 2016-17 especially for the period 09.11.2016 to 31.03.2017, which has been conveyed to the petitioner vide letter dated 28.02.2018, is not sustainable in the light of the comments which have been given by the Reporting Officer which clearly indicates that the instance, which is subsequent to the said period, has been taken into consideration by the competent authority for recording the said adverse

Annual Confidential Report. According to the settled preposition of law, prior to recording an adverse Annual Confidential Report, petitioner was required to be made aware and confronted with the material and the opinion/observations of the said authority, which has not been done in the present case. He on the basis of these two assertions asserts that the Annual Confidential Report, which has been conveyed to the petitioner vide letter dated 28.02.2018, being void abinitio could not have been taken into consideration and, therefore, deserves to be stayed.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the impugned orders but do not find myself in agreement with the contentions of the counsel for the petitioner as this Court is satisfied that the balance of convenience is not in favour of the petitioner.

The Courts below have taken into consideration the material available on the record to come to a conclusion that there was nothing which would weigh in favour of the petitioner especially the detailed recommendations by the authorities which have been gone into on the representation, which has been submitted by the petitioner against the Annual Confidential Report, which has also been dealt with in detail by the competent authority. This Court also finds no fault in the orders which have been passed by the Courts below which would call for any interference by this Court in exercising of its revisional jurisdiction. There is no illegality in the orders which have been passed by the Courts below which would persuade this Court to interfere in the present petition.

The present revision petition being devoid of merit stands dismissed.

However, any observations, which have been made by the Courts below while deciding the application for interim injunction on the part of the petitioner, shall not have any bearing in the pending proceedings before the trial Court in the civil suit which has been preferred by the petitioner.

September 07, 2020
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No