

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-12368-2021 (O&M)
Date of decision: 13.09.2021

Satbir Singh, ASI (No.744/Karnal)

.....Petitioner

versus

Director General of Police, Haryana and others

.....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. B.S. Rathee, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Satbir Singh, ASI, stated to be aged 55 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of certiorari for quashing/setting aside the order dated 15.06.2021 and 16.06.2021 (Annexures P-10 & P-11 respectively).

Learned counsel for the petitioner submits that he is aggrieved of the impugned order dated 16.06.2021 (Annexure P-11), whereby, the Superintendent of Police, Karnal, has given three months notice to the petitioner to retire from service w.e.f. 15.09.2021.

On perusal of the notice dated 16.06.2021, it becomes evident that for the periods from 01.04.2014 to 31.03.2015 and from 27.09.2016 to 23.12.2016, remarks of the petitioner's ACR, were 'Below Average' with

further remarks as 'Honesty Doubtful'. It was brought to the notice of this Court that FIR No.158 dated 14.02.2015, was registered under Sections 7/13 of P.C. Act at P.S. City Karnal.

Learned counsel for the petitioner has submitted that vide order dated 25.04.2016 (Annexure P-2), he was initially given punishment of dismissal but thereafter, the Appellate Authority reduced the same to stoppage of five increments with permanent effect vide order dated 06.09.2016 (Annexure P-4).

This Court is of the prima facie view that the FIR as aforementioned, formed the basis for recording of the remarks as 'Below Average' for two ACRs. In the FIR, the petitioner was acquitted on 30.10.2017. It is also a matter of fact that vide Annexure P-12, the petitioner had submitted a representation on 23.06.2021 to quash the adverse remarks for two ACRs as aforementioned.

In the peculiar facts and circumstances noticed above, this Court deems it appropriate to ***dispose of*** the writ petition with the following directions:-

- (i) Respondent No.1-DGP, Haryana (Panchkula), is directed to examine the representation of the petitioner (Annexure P-12) or/and any supplementary representation submitted by the petitioner, within a period of one week from today, decide the request/claim of the petitioner to upgrade the two ACRs on account of his acquittal dated 30.10.2017.
- (ii) In case, the Director General of Police, Haryana, decides to upgrade the ACRs of the petitioner, the petitioner's case for extension beyond 55 years, be also reconsidered *de hors* the order dated 16.06.2021.
- (iii) In case, the Director General of Police, Haryana, decides

to reject the claim of the petitioner for upgradation of ACRs, reasoned speaking order be passed.

Let the aforementioned exercise of consideration of petitioner's claim, be undertaken by the respondents expeditiously and it is further directed that till appropriate orders as directed above, are not passed, Notice dated 16.06.2021 shall not be given effect to.

At this stage, learned counsel for the petitioner prays for and is granted liberty to file a separate fresh writ petition for any other claims mentioned in the present writ petition.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

13.09.2021
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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No