

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-381-2018 (O&M)

Decided on : 22.11.2022

Balraj

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Chanderhas Yadav, Advocate for the appellant.

Ms. PalikaMonga, Deputy Advocate General, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-991-LPA-2018

Application for condonation of delay of 5 days in filing the appeal is allowed, in view of the averments made in the application, duly supported by the affidavit of the appellant. Delay of days 5 in filing the appeal is condoned.

CM stands disposed of.

LPA-381-2018

Present Letters Patent Appeal is directed against the order of learned Single Judge dated 06.02.2018 passed in **CWP No.22517 of 2017** ‘**Balraj Vs. State of Haryana and others**’.

The learned Single Judge had refused to interfere regarding the adverse remarks entered in the 19 columns of the Annual Confidential Reports for the year 2015-2016, as the prayer made was that grading of “Average” should be quashed by issuing a writ of certiorari. Resultantly, it was held by the learned Single Judge that no interference is made out in the subjective satisfaction of the Reporting Officer to make a general assessment of the petitioner regarding his work and conduct, honesty etc.

Counsel for the appellant has mainly tried to convince us that the order of the learned Single Judge is not justified.

We do not see any reason as to how in writ jurisdiction the matter could have been examined from any other angle and how the writ Court should have substituted the average entries which were recorded by Shri Kulvinder Singh, IPS, the then Deputy Commissioner of Police, West, Gurugram. The appeal as such was dismissed by the Commissioner of Police, Gurugram on 29.11.2016 (Annexure P-7) by noting that the adverse remarks were recorded after judicious application of mind and comprehensive and analytical study of his work and conduct during reported period.

Apparently, the petitioner has also given warning in a separate set of proceedings by another officer namely Ashok Kumar, Deputy Commissioner of Police, Headquarters, Gurgaon on 15.11.2016 (Annexure P-4), which was also subject matter of challenge. The said order would go on to show that there were three police officials namely P/SI Naveen Yadav, the appellant herein and one HC Sajjan Singh, against whom a combined departmental inquiry had been initiated. The allegations were regarding preparation of passports on fake addresses and identity proofs. On account of the departmental inquiry which was duly conducted, it was found that the said defaulters were found travelling on the said fraudulent passports by the Mumbai Police and an FIR had also been registered. It was in such circumstances, on this account it had resulted in grave departmental misconduct. The Assistant Commissioner of Police on assessment had disagreed with the findings recorded by the

Inquiry Officer, whereby clean chit had been given and a lenient view had been taken while warning them to be careful in future.

In such circumstances, we are of the considered opinion that challenge as such to the ACR which were recorded by an independent person as noticed is a separate assessment of a person regarding his work and conduct and it is not for the writ Court to substitute the said findings which had been recorded. Merely a warning had been issued in the inquiry proceedings, therefore, the argument raised that on account of the same the adverse remarks had been recorded, is without any basis. As noticed the same were by way of two separate proceedings.

Resultantly, we do not see any ground to interfere in the order of the learned Single Judge and the present appeal is, accordingly, dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

22.11.2022
Naveen

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No