

CWP-26547-2021

Date of Decision:08.09.2022

Anita Kadian

...Petitioner

VS

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jasbir Singh Ahlawat, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of Mandamus directing respondent No.1 to decide the appeal dated 09.10.2020 (Annexure P-7) filed by the petitioner against the adverse remarks recorded by respondent No.4 in the Annual Confidential Report (for short – “ACR”) for the period 01.04.2019 to 18.12.2019 as communicated to the petitioner vide impugned letter dated 13.08.2020 (Annexure P-6).

Learned counsel appearing on behalf of the petitioner would contend that earlier also respondent No.4 had recorded adverse remarks in the ACR of the petitioner for the period 24.10.2018 to 31.03.2019. The petitioner had challenged the said adverse remarks recorded in the ACR by respondent No.4 by way of filing an appeal, but the same was not decided, therefore, the petitioner invoked the jurisdiction of this Court by way of CWP No.2832 of 2020 which was disposed of by directing the Appellate Authority to decide the appeal against the adverse remarks recorded in the ACR within two weeks.

Pursuant thereto, the appeal was decided and the adverse remarks recorded against the petitioner by respondent No.4 were found to be perverse and unjustified,consequently were set aside.

He further contends that thereafter the petitioner submitted a representation to the authorities that respondent No.4 should not be allowed to write the ACR of the petitioner because of the animosity harboured by him but no action was taken on the same and respondent No.4 again recorded adverse remarks in the ACR of the petitioner for the period 01.04.2019 to 18.12.2019 despite there being no material on the basis of which said adverse remarks could have been recorded.

Pursuant to the notice of motion having been issued, the matter stands decided and the adverse remarks as recorded in the ACR of the petitioner for the period 01.04.2019 to 18.12.2019 stand expunged.

Consequently as the necessary relief has been allowed to the petitioner, this writ petition does not survive at the present moment.

The present writ petition stands dismissed as infructuous.

(JAISHREE THAKUR)
JUDGE

September 08, 2022

P.Bhatt

Whether speaking/reasoned Yes/No

Whether reportable Yes/No