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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.9467 of 2019(O&M)
Date of Decision: 24.04.2023**

**HC Ajay Kumar
Vs**

.....Petitioner

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Bhag Singh, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has assailed the communication dated 13.05.2013 issued by the Superintendent of Police, Karnal, order dated 12.02.2014 passed by the Inspector General of Police, Karnal, order dated 28.08.2018 passed by the Additional Director General of Police, Ambala and order dated 19.04.2018 passed by the Director General of Police, Panchkula in the context of issuing adverse remarks in the Annual Confidential Report for the period 01.04.2021 to 04.12.2021 and inflicting punishments by the authorities in hierarchy.

[2]. The adverse remarks in the ACR was communicated to the petitioner on 13.05.2013. The petitioner made a representation to the Inspector General of Police, Karnal Range, Karnal on 12.06.2013. The representation was dismissed by the Inspector General of Police, Karnal on 12.02.2014. On the basis of departmental enquiry, the petitioner was punished by the prescribed authority, however, on appeal filed by the petitioner against the order passed in the departmental proceedings, he was exonerated by the appellate authority on the basis of scrutiny of entire service record. The petitioner was also acquitted by the Court of Chief Judicial Magistrate, Yamuna Nagar in FIR No.268 dated 20.06.2012 under Sections 419, 420, 120-B IPC, Police Station City Yamuna Nagar vide judgment of acquittal dated 15.10.2016 after a full fledged trial, finding no incriminating material against the petitioner. On the basis of changed circumstances, the petitioner also filed another representation before the Director General of Police. The said representation was dismissed by the Director General of Police on the ground that second representation was not maintainable vide order dated 19.04.2018.

[3]. Admittedly, on the basis of order of acquittal and exoneration of the petitioner in the departmental proceedings by the appellate authority, the order of punishment has been set aside by the Inspector General of Police vide order dated

05.08.2014. As of now, there is nothing incriminating against the petitioner, except the adverse entry in the ACR for the period 01.04.2012 to 04.12.2012. There is no material in existence supporting the ACR in any manner.

[4]. Since the rigour of punishments has already been vanished away, in the criminal trial, the petitioner has been acquitted and in the departmental proceedings, the petitioner has been fully exonerated, therefore, I deem it appropriate to accept this writ petition on finding that there is no basis for recording adverse entry in the ACR. Even if, some material was available at the time of recording ACR, but as of now, the said material does not have any evidentiary value in view of complete exoneration of the petitioner in the departmental proceedings by the appellate authority, acquittal of the petitioner in the criminal trial and acceptance of the appeal against the order of punishment by the competent authority.

[5]. Consequently, this writ petition is allowed. Impugned orders are accordingly set aside.

24.04.2023	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No