

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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RSA-2686-1998 (O&M)
Decided on : 03.04.2024

Haryana State and othersAppellants

Versus

Puran SinghRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Saurabh Mohunta, D.A.G., Haryana
for the appellants.

NAMIT KUMAR, J. (Oral)

1. The appellants have filed the instant appeal against judgment and decree dated 27.10.1997 passed by learned Civil Judge (Senior Division), Hissar, whereby suit for declaration filed by the respondent/plaintiff has been allowed and judgment and decree dated 29.05.1998 passed by learned District Judge, Hissar, whereby an appeal filed by the appellants/defendants against judgment and decree dated 27.10.1997 has been dismissed.

2. The lower Appellate Court while affirming the trial Court judgment had set aside the order dated 11.09.1995 and order dated 23.11.1995 passed by the State, whereby the respondent/plaintiff was not allowed to cross the efficiency bar, to be illegal, null and void. But the relief granted by the trial Court for granting an opportunity of hearing to the plaintiff before passing a order afresh was set aside on the ground that average report cannot be considered adverse especially when those were never conveyed to the plaintiff. The adverse entry for

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the year 1987-88 was also average and in column No.3, the integrity was shown doubtful but no reasoning in support thereof was given for recording this entry and without giving reasons, the same cannot be passed. Moreover, these have not been conveyed to the plaintiff. Accordingly, on the basis of the adverse remarks for the year 1987-88, the efficiency bar cannot be disallowed in the year 1994. Therefore, the trial Court had wrongly allowed defendant No.2 to pass a fresh order after giving an opportunity of hearing to the plaintiff.

3. Learned State counsel, on instructions from Dr. Om Parkash, Mechanical Engineer o/o Chief Superintendent, Government Livestock Farm, Hissar, submits that since there is no stay in the present appeal, the judgments passed by the Courts below have been implemented and the plaintiff/respondent has been allowed to cross his efficiency bar and he has further been promoted to the post of Tractor Driver and retired as such on 31.07.2011, on attaining the age of superannuation and is now getting pension.

4. Even otherwise, as per the law laid down by Hon'ble Supreme Court in ***Dev Dutt Vs. Union of India and others : 2008(3) S.C.T. 429***, all the adverse remarks are to be communicated to the employees. Since in the present case, the adverse remarks of the plaintiff/respondent regarding his integrity were not communicated to him, therefore, the judgments/decrees passed by the Courts below does not require any interference.

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4. In view of the above, the present appeal is disposed of accordingly.

03.04.2024

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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No