

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP No. 9974 of 2024
Date of Decision : 02.05.2024

Balbir Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.L. Verma, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 10.06.2016 (Annexure P-1), whereby adverse remarks in the Annual Confidence Report for the year 2015-2016 of the petitioner has been recorded.
2. Learned counsel for the petitioner submits that against the said adverse remarks, the petitioner had preferred an appeal, which was rejected in the year 2021 and the same has been done without any valid justification, hence, the adverse remarks recorded in the Annual Confidence Report, copy of which has been appended as Annexure P-1 as well as rejecting the representation (Annexure P-2) are liable to be set-aside.
3. Notice of motion.

4. On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

5. Learned counsel for the respondents submits that the details have been given in the ACR itself as well as in the order (Annexure P-2) as to why the appeal is being dismissed. Learned counsel for the respondents further submits that the adverse remarks in the ACR has been recorded on the basis of the record, hence, the prayer of the petitioner that no material existed with the respondents so as to record the said observation, is incorrect.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It may be noticed that while recording adverse remarks in the ACR, copy of which has been appended as Annexure P-1, the reasons have already been given. Not only this, vide order rejecting the appeal of the petitioner, again reasons have been given of his chequered history while performing the duties. Learned counsel for the petitioner has not been able to dispute the said fact.

8. Further, the Officer recording the ACR is to give his opinion about the working of an employee, which cannot be substituted by the Court, especially when, no material contrary to the findings recorded in the rejection order Annexure P-2 has been presented before the Court.

9. At this stage, learned counsel for the petitioner submits that in a similar case, the adverse remarks recorded against another Conductor have been set-aside. Merely that the adverse remarks have been set-aside against another Conductor does not mean that the record of the petitioner becomes clean so as to claim the said benefit. For the recording of the ACR, there cannot be any parity as ACRs are recorded keeping in view the performance of the individuals.

10. No ground is made out for any interference by this Court in the present petition.

11. Dismissed.

May 02, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No