



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

RSA-5189-2003

Reserved on: 01.10.2025

Pronounced on : 18.11.2025

Uploaded On: 18.11.2025

Dalbir Singh

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. R.K. Malik, Advocate for
for the appellant.

Ms. Neha Awasthi, Addl.A.G, Haryana

* * * *

SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 10.10.2001 passed by Civil Judge (Jr. Division), Sirsa, whereby, civil suit filed by the appellant was dismissed and judgment and decree dated 09.08.2003 passed by Additional District Judge, Sirsa, whereby, the appeal filed by the appellant against judgment and decree dated 10.10.2001 was also dismissed.

2. Brief facts of the case are that against the appellant, departmental enquiry was conducted. Thereafter, he was awarded punishment of censure by Superintendent of Police, Sirsa. During the pendency of enquiry, he was conveyed adverse confidential remarks for the period 01.04.1997 to 31.03.1998. Against these adverse remarks, he made representation to the Inspector General of Police, Hisar, Range Hisar, but the same was rejected vide order dated 01.12.1999. Against order dated 01.12.1999, he preferred a representation to the Director General of Police,



Haryana, Chandigarh which was also rejected on the ground that no second representation lies against the adverse remarks. Therefore, he filed civil suit before Civil Judge (Jr. Division), Sirsa which was dismissed vide judgment and decree dated 10.10.2001, against which he filed appeal before Additional District Judge, Sirsa which was again dismissed vide judgment and decree dated 09.08.2003. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that appellant has retired on 30.04.2014, therefore, he is only pressing order dated 12.02.1999, whereby, ACR for the period 01.04.1997 to 31.03.1998 was conveyed to him. He also contends that such kind of remarks cannot be given in the ACR and are liable to be expunged. He, therefore, prays for expunging of adverse remarks in ACR.

4. Learned counsel for the appellant relies on ***Bhajan Singh Vs. Sri Bahal Singh, S.P. Rohtak and Another; 1967 SLR 601*** to support his arguments.

5. Vide order dated 16.08.2005, the following order was passed-

“On the basis of the above, it is submitted that the aforesaid remarks cannot be construed to mean that the integrity of the appellant was doubtful. The learned counsel further submits that the respondents have been taking these remarks to be an expression on the doubtful integrity of the appellant and on that basis the appellant has not been considered for promotion. Learned counsel for the appellant relies upon the judgment of Bhajan Singh v. Bahal Singh reported in 1967 S.L.R. 601 wherein it has been held that the Superintendent of Police had no jurisdiction to make observations in confidential report on allegations which were pending enquiry.



The substantial questions of law as enumerated in paragraph No.8 of the grounds of appeal arise for consideration in the present case.

Admitted.

In the meantime the aforesaid remarks shall not be construed to mean that the integrity of the appellant is doubtful.”

6. *Per contra*, learned counsel for the respondent contends that judgment and decree dated 10.10.2001 passed by Civil Judge (Jr. Division), Sirsa and judgment and decree dated 09.08.2003 passed by Additional District Judge, Sirsa, are rightly dismissed.

7. A perusal of the record shows that it is admitted case of both the parties that on 29.05.1997, appellant was posted at Police Post, Jamal in Police Station, Nathusari Chopta and a case bearing FIR No.291 under the Punjab Excise Act was registered against Balbir Singh and Jeet Singh. They both were arrested and their search was conducted. As per appellant only Rs.20/- were recovered from personal search of Balbir Singh accused, whereas, as per the respondents, Rs.7000/- were recovered from his possession. Therefore, preliminary enquiry was conducted by Deputy Superintendent of Police, Ellenabad and in the preliminary enquiry, appellant was found guilty and chargesheet was served upon him. He submitted reply to the same. In the enquiry, Inquiry Officer held appellant guilty of the charges and show cause notice was served upon him for punishment of stoppage of five future increments. Appellant filed reply to the same and competent authority after considering the reply, awarded punishment of censure to the appellant. As per averments made by the appellant in the civil suit, the Inquiry Officer was biased, appellant was not



given opportunity to cross-examine the witnesses, Inquiry Officer himself cross-examined the defence witnesses. This contention of the appellant was rejected by both the Courts below, by holding that principles of natural justice were followed and thereafter held that the preliminary enquiry is a detailed one and order passed by competent authority is also well-reasoned and speaking.

8. A perusal of the record shows that Sarpanch of village was produced as defence witness, in whose presence, search of Balbir Singh was made and only Rs.20/- were recovered from his possession. Appellant also produced constable Subhash Chander who also supported that Rs.20/- were recovered from the possession of Balbir Singh.

9. Now coming to order dated 12.02.1999, whereby, adverse remarks recorded in ACR for the period from 01.04.1997 to 31.03.1998 were conveyed to the appellant, relevant portion of which is reproduced as under:-

“OFFICE OF THE SUPERINTENDENT OF POLICE SIRSA

No.82/Steno

Dated 12.2.99

*Sub: Conveying of adverse remarks recorded in the ACR of HC
Dalbir Singh no.258/SRS for the period from 1.4.97 to 31.3.98.*

*In your confidential report for the period from 1.4.97 to 31.3.98
you have been commented upon as under:-*

- | | | |
|----|------------------|---|
| 1. | <i>Integrity</i> | <i>There were complaints.
Facing R.D.E. in this regard.</i> |
| 2. | <i>General</i> | <i>Facing R.D.E. for extorting money
from public.</i> |

Sd/- Supdt. of Police”

10. A perusal of the above referred to adverse remarks in the ACRs shows that these remarks are vague, since, only stating that facing regular departmental enquiry in this regard in both columns i.e. integrity as well as general. The Annual Confidential Report is to be recorded on the basis of the



overall assessment of the employee with respect to his work, conduct and overall personality and in the ACR normally, remarks are accordingly recorded. There are columns like integrity, general, honesty, sincerity towards work, overall personality, discipline etc., and the remarks against these columns are required to be filled fully on the basis of assessment of the reporting officer with respect to the employee.

11. In the present case, adverse remarks against the columns of integrity as well as general were recorded as facing regular departmental enquiry, whereas, in the departmental enquiry, only punishment of censure was awarded. The name Annual Confidential Report itself suggests that it is the annual confidential report of the employee recording his overall personality which should not include the pendency of any departmental enquiry or criminal proceedings or any other kind of enquiry, the result of which is not even known to the employer. And because of such remarks, the employees suffer, as in the present case, the appellant was ignored and not promoted because of the adverse remarks recorded in ACR for the period from 01.04.1997 to 31.03.1998.

12. In the present case, the appellant could not be promoted in the year 2001, since, he was not considered due to adverse remarks and was promoted after order dated 16.08.2005 passed by this Court, wherein, this Court specifically directed that adverse remarks shall not be construed to mean that integrity of appellant is doubtful. Therefore, the reporting officers should be very careful while reporting the ACRs of the employees and should not right the comments against the remarks regarding the pendency of any departmental enquiry or criminal case against the employee, since,



that would amount to no report till the final decision on the departmental enquiry as well as criminal case.

13. In view of the above, the present appeal is **allowed.** Judgment and decree dated 10.10.2001 passed by Civil Judge (Jr. Division), Sirsa and judgment and decree dated 09.08.2003 passed by Additional District Judge, Sirsa are set aside. The adverse remarks in ACR for the period 01.04.1997 to 31.03.1998 are expunged.

14. Pending application(s), if any, also stand disposed of.

18.11.2025

(SUDEEPTI SHARMA)

Sahil

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No