

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

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2025:PHHC:146382-DB



CWP No. 2948 of 2020 (O&M)
Date of decision: 27th October 2025

Jeet Kumar

..Petitioner

Versus

Union Territory, Chandigarh and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Rishav Sharma, Advocate for the petitioner.
(Through V.C.)

Mr. Avinit Avasthi, Addl. Standing counsel for UT Chandigarh
with Ms. Tejaswini, Advocate.

HARSIMRAN SINGH SETHI, J(Oral)

1. In the present petition, the challenge is to the order dated 28.11.2019 (Annexure P-3) and order dated 06.01.2020 (Annexure P-5) in Review Application No. 40 of 2019 passed by the Tribunal by which the recording of an adverse remark in the annual confidential report of the petitioner for the period starting from 01.04.2015 to 31.03.2016 has been upheld and the challenge to the same at the hands of the petitioner has been rejected.

2. Learned counsel for the petitioner submits that the incident on the basis of which the adverse remark for the period of 2015-2016 has been recorded occurred on 04.09.2013, wherein the petitioner was held guilty of consuming alcohol while being on duty.

3. Learned counsel for the petitioner submits that once the allegations alleged against the petitioner were proved in 2015, the adverse remarks could have been recorded only for the period in which the incident occurred and not when he was held guilty of the said allegations and therefore, the Tribunal failed to appreciate the said fact while dismissing the claim of the petitioner for setting aside the adverse remark recorded in his ACR for the period 2015-2016.

4. Learned counsel appearing on behalf of respondents submits that it is only when the allegation alleged against an employee is proved and punishment is imposed and it is only for the said period, the ACR is to be recorded on the basis of the record suffered by the petitioner. Learned counsel for the respondents submits that once the petitioner was held guilty of the allegations alleged against him in the year 2015-2016, the adverse remarks were recorded only upon proving of allegations alleged, which is perfectly valid and legal and the Tribunal has rightly rejected the claim of the petitioner.

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

6. It may be noticed that even if the allegations alleged against the petitioner were that on 04.09.2013 but the said allegation was only proved after holding of the departmental inquiry in the relevant period of 2015-2016. Once the punishment was imposed on the basis of said allegations, the adverse remarks which have been recorded, have to be recorded in the same year, keeping in view the punishment imposed. The punishment cannot be awarded retrospectively and the recording of adverse confidential report is the consequence of the punishment imposed upon the petitioner on the allegation

of consuming liquor while on duty in the year 2013. The Tribunal has rightly appreciated the aspect and rejected the claim which needs no interference at the hands of this Court.

- 7. No other argument raised.
- 8. Dismissed.
- 9. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

27th October 2025
reema

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : *Yes*
Whether reportable : *No*