



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

CWP-5483-2022

Date of Decision: 02.05.2025

Bijender Narwal

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aditya Yadav, Advocate,
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of order dated 06.06.2016 (Annexure P-6) whereby petitioner's representation against adverse remarks in Annual Confidential Report has been rejected on the ground of limitation.

2. The impugned order dated 06.06.2016 is reproduced as below:-

“Subject: Representation against idverse remarks for the period from 22-11-14 to 31-03-15-EASI Bijender Singh No. 884/PPT.

Memo.

Please refer to your office memo. No 918/Steno dated 28-10-15, on the subject cited above.

2. *The undersigned has gone through the relevant record of the representation submitted by EASI Bijender Singh No. 884/PPT against the adverse remarks for the period from 22-11-14 to 31-03-*

2025:PHHC:057411



15. The adverse remarks in question were conveyed to him by your office vide your office letter No. 622/Steno dated 14-08-15 which was received by the representationist on 19-08-15 itself, whereas his representation against the adverse remarks has been received in this office on 30-10-15 after a gap of 74 days from the date of receipt of letter communicating the adverse remarks which is time barred.

3. As per instructions of Govt. circulated vide letter No. 60/4/87-S(1)-A dated 14.8.1087, representation against adverse remarks should be entertained only if it is received within 45 days from the date of receipt of the letter communicating the adverse remarks to the office concerned. However, the authority dealing with the representation may entertain a representation within three months of the expiry of the said period, if he is satisfied that the official had sufficient cause for not submitting the representation in time.

4. In view of above instruction, the representation submitted by EASI Bijender Singh No. 884/PPT against the adverse remarks for the period from 22-11-2014 to 31-03-15 is considered and rejected being time barred. The representationist may please be informed accordingly under intimation to this office.

*(Sanjay Kumar)
Inspector General of Police,
Rohtak Range, Rohtak”*

3. From the perusal of impugned order, it is evident that normal period of limitation for filing representation against adverse remarks is 45 days, however, competent authority may entertain even beyond 45 days but not beyond 3 months from the expiry of 45 days. The petitioner filed representation within 74 days and respondent rejected his claim on the ground that it was beyond the prescribed period of limitation.

4. On being confronted with impugned order, Ms. Palika Monga, DAG, Haryana expressed her inability to controvert the fact that competent authority has not considered the question as to why representation beyond 45 days should or



should not be considered. The authority has simply dismissed representation on the ground that it is filed beyond 45 days.

5. There was delay of 29 days on the part of petitioner and respondent could condone delay upto 3 months. The respondent was duty bound to consider reason of delay as well as length of delay. The order seems to be passed in mechanical manner, thus, deserves to be set aside.

6. Accordingly, the impugned order is hereby set aside with a direction to respondent to decide representation of petitioner on merit.

7. Let the needful be done within 2 months from today.

02.05.2025	(JAGMOHAN BANSAL)
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Whether reasoned/speaking	Yes
Whether reportable	No