



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

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RSA-3059-2002 (O&M)

Date of Decision: May 08, 2025

State of Haryana and another

.....Appellant(s)

Vs.

Head Constable Ajay Kumar and another

.....Respondent(s)

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RSA-3060-2002 (O&M)

State of Haryana and another

.....Appellant(s)

Vs.

Head Constable Ajay Kumar and another

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shivendra Swaroop, DAG, Haryana for the appellant.

Mr. Uday Agnihotri, Advocate for the respondent.

SUDEEPTI SHARMA J. (ORAL)

The present Regular Second Appeals are preferred by State of Haryana against the judgments and decrees dated 19.01.2002 passed by learned Civil Judge (Junior Division), Ambala and judgments and decrees dated 07.05.2002 passed by learned Additional District Judge, Ambala, whereby the civil suits filed by the respondent were decreed in his favour and the appeals filed by the appellant were dismissed.

2. Vide this common judgment, the above said two appeals shall be disposed as the issue involved in both the appeals is common. For brevity, facts have been taken up from RSA-3059-2002.

**BRIEF FACTS OF THE CASE**

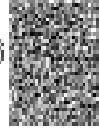
3. Brief facts of the case are that the respondent joined the Police Department as Constable on 21.12.1979 in Sonapat District and thereafter he was shifted to 4th Bn. HAP in the month of January 1980. After successfully completing promotion course, his name was listed in Promotion List 'C'. Thereafter, he was promoted as Head Constable in the mid of September, 1989. In his ACRs for the period from 10.12.1996 to 31.03.1997, adverse remarks were recorded by the appellant. He filed a civil suit for mandatory injunction, and for directing the appellant to expunge the adverse remarks entered in the ACRs for a period from 10.12.1996 to 31.03.1997. The civil suit filed by him was decreed in his favour vide judgment and decree dated 19.01.2002 passed by learned Civil Judge (Junior Division), Ambala. The appellant-State of Haryana challenged the same before the learned Additional District Judge, Ambala who vide its judgment and decree dated 07.05.2002 dismissed the appeal filed by the appellant. Hence, the present Regular Second Appeals.

4. While admitting both the appeals vide order dated 05.07.2004, the following substantial question of law was framed by this Court:-

“Whether the civil Court can set aside the entry in the annual confidential report on the ground that the plaintiff was not provided any opportunity of hearing.”

5. Vide order dated 29.07.2002, the operation of the impugned judgments and decrees dated 07.05.2002 was stayed by this Court.

6. Learned counsel for the appellant contends that both the Courts did not appreciate the evidence on record. He further contends that adverse remarks were recorded by the Reporting Officer in the ACRs of the respondent after



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considering his work and conduct. Therefore, both the present be allowed and judgments and decrees dated 19.01.2002 passed by learned Civil Judge (Junior Division), Ambala and judgments and decrees dated 07.05.2002 passed by learned Additional District Judge, Ambala be set-aside.

7. Per contra, learned counsel for the respondent contends that throughout service career of the respondent, he had been granted commendation certificates and rewards. Therefore, the civil suits were rightly decreed in his favour and the appeals filed by the appellant are rightly dismissed. He prays for dismissal of both the appeals.

8. I have heard learned counsel for the parties and perused the whole record of these cases.

9. A perusal of the record shows that except for the period from 10.12.1996 to 31.03.1997 in RSA-3059-2002 and from 01.04.1997 to 15.10.1997 in RSA-3060-2002, the respondent was awarded 73 commendation certificates Class I, Class II and Class III alongwith cash reward of over Rs.5000/- and annual commendation certificates Class III alongwith cash reward of Rs.2000/-. There is no complaint from any quarter wheresoever, the respondent was transferred and posted. Further perusal of the record shows that except for above referred to adverse remarks in the ACRs for the period from 10.12.1996 to 31.03.1997 in RSA-3059-2002 and from 01.04.1997 to 15.10.1997 in RSA-3060-2002, there is nothing on record to show anything against the respondent, rather service record of the respondent shows that he had been rewarded for his work and conduct. Further as per information received from learned counsel for the respondent, the respondent was promoted



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as ASI on 26.04.2008, SI on 02.02.2018 and retired on 31.08.2019 unblemished.

10. The civil suits filed by the respondent were decreed in his favour on the ground that opportunity of hearing was not granted to the respondent, while recording adverse remarks in the ACRs of the respondent. The reasoning given by the learned Civil Judge (Junior Division), Ambala is perverse and cannot be accepted by this Court.

11. Now coming to the substantial question of law framed in both the appeals, the same is answered in favour of the appellant and against the respondent.

12. Before parting with the judgment, to meet ends of justice, it would be relevant to reproduce the adverse remarks recorded in the ACRs from 10.12.1996 to 31.03.1997 in RSA-3059-2002 and from 01.04.1997 to 15.10.1997 in RSA-3060-2002, which are same for both the periods. The same are reproduced as under:-

<i>“ 1. Discipline</i>	<i>Average.</i>
<i>2. Integrity</i>	<i>Doubtful</i>
<i>3. Reliability</i>	<i>Not reliable</i>
<i>4. Moral Character</i>	<i>Below average</i>
<i>5.General Remarks</i>	<i>Highly corrupt not fit for promotion”</i>

13. A perusal of the above referred to adverse remarks, shows that there is glaring defect in the same since the service record of the respondent as discussed above shows otherwise. Further if the integrity of a person is doubtful and he is not reliable and his moral character is below average and he is highly corrupt, not fit for promotion, he should not have been awarded



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commendation certificates and financial rewards by the higher authorities as shown in the record. Further, as per record, there is no other complaint against the respondent and he was given timely promotions as well. As submitted by learned counsel for the respondent, he retired from service as Sub Inspector in the year 2019. Except for the above referred to two periods, there is nothing on record throughout the service career of the respondent to prove the adverse remarks in his ACRs. This shows that the same were recorded without considering the overall service record of the respondent and without application of mind.

14. In view of the above facts and circumstances and evidence on record, which proves the unblemished service career rendered by the respondent till the date of his retirement, justice demands that the adverse remarks for both the periods referred to above are required to be expunged. Therefore, the appellant is directed to expunge the adverse remarks as recorded in the ACRs from 10.12.1996 to 31.03.1997 in RSA-3059-2002 and from 01.04.1997 to 15.10.1997 in RSA-3060-2002 in the service record of the respondent.

15. The appeals are decided accordingly.

16. All the pending application(s) also stand disposed of..

17. A photocopy of this order be placed on the file of other connected case(s).

(SUDEEPTI SHARMA)
JUDGE

May 08, 2025

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Whether speaking/reasoned:

Whether reportable

Speaking

Yes / No