



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7376-2001 (O&M)

MAUJI RAM

... PETITIONER

VS.

STATE OF HARYANA

... RESPONDENT

CWP-19003-2001 (O&M)

MAUJI RAM

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

Reserved on : 21.08.2025
Pronounced on : 17.11.2025
Judgment uploaded on : 18.11.2025

*Whether only the operative part of the judgment is pronounced
or whether the full judgment is pronounced : Full Judgment*

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. D.S.Rawat, Advocate,
for the petitioner(s) .

Mr. Varun Gupta, DAG, Haryana.

ROHIT KAPOOR, J.

1. The present writ petitions are being decided together, as they have been filed by the same petitioner and involve common questions of fact and law.

I. Challenge Raised:

2. The petitioner has filed Civil Writ Petition No. 7376-2001 seeking quashing of the impugned charge-sheets dated 04.09.1997



(Annexure P-2), 05.12.1997 (Annexure P-7), 04.12.1998 (Annexure P-11), as well as for setting aside the impugned orders dated 12.11.1998 (Annexure P-13), 27.03.2000 (Annexure P-14) and 28.07.2000 (Annexure P-17), whereby he has been given adverse remarks in his Annual Confidential Report (ACR) for the year 1997-98, has been stopped from crossing the efficiency bar, and his appeal for expunging the adverse remarks in the said ACR has been rejected, respectively. A further prayer has been made for issuance of directions to the official respondents to treat the suspension period from 13.11.1997 to 05.05.1998, as period spent on duty, and to release full pay and other allowances to the petitioner.

2.1 Civil Writ Petition No. 19003-2001 has been filed for quashing the order/notice dated 19.10.2001 (Annexure P-2), whereby the petitioner has been informed about the decision taken to retire him after attaining the age of 55 years and notice of three months has been given in pursuance to the provisions contained in Rule 5.32 (A) (C) of Punjab Civil Services Rules, Volume-II and Rule 3.26 (d) of the Punjab Civil Services Rules, Volume-I, Part-I, as applicable to the State of Haryana.

II. Factual Matrix:

3. Facts as pleaded by the petitioner are that he joined the Printing and Stationary Department in the Government of Haryana as a Clerk in 1971 and was promoted as an Assistant and was subsequently confirmed as such on 19.12.1996, with effect from 02.03.1991. The petitioner alleges that since the year 1992 onwards, he gave memorandums and complaints to the Chief Minister regarding the malpractice going on in the Printing and Stationary Department and basis thereof, an enquiry was ordered by the Chief Secretary



leading to registration of FIR No. 27 dated 28.10.2000 against several officials of the department including one Ishwar Singh Chahal. One Krishan Sahai Mathur, Deputy Controller was also named in the complaint dated 28.03.1994 (Annexure P/1). It is alleged that on account of the complaints against senior officials, a conspiracy was hatched against the petitioner and he was transferred to Sonipat and a charge sheet dated 04.09.1997 (Annexure P/2) was issued against him on the false and baseless allegations, that he had tried to beat respondent No. 6, the Manager of the depot, used unparliamentary language with him, was not taking interest in the office work, was negligent, careless and indisciplined. The petitioner filed a detailed reply dated 01.01.1998, refuting all allegations levelled against him. Mr. Ishwar Singh Chahal, who was named by the petitioner in the memorandum/complaint dated 28.03.1994, was deliberately appointed as Enquiry Officer. It is further claimed that as a sequel to the conspiracy, the petitioner was suspended and his head quarter was fixed at Rohtak on 13.11.1997 on frivolous charges. He was then issued a second charge-sheet dated 05.12.1997 (Annexure P/7), on three grounds: (i) that the petitioner has two living wives and he filed false affidavit to this effect at the time of appointment, (ii) he concealed the fact that he was dismissed from the Post & Telegraph department to get appointment, and (iii) that he got admitted in the Jat Regiment of the Indian Army by making a false claim about his caste.

3.1 It is stated that on the basis of the above false allegations, an FIR under Section 420 of the Indian Penal Code was deliberately got lodged in the Police Station S.V.B. Ambala, against the petitioner. The mala-fide approach of the respondents is sought to be pointed out by referring to the

fact that even in the second charge sheet, Mr. K.S. Mathur who was



specifically named by the petitioner in his complaint dated 28.03.1994, was appointed as the Enquiry Officer. The petitioner refuted the allegations levelled against him by pointing out that he had legally divorced his first wife before joining the department and his first wife had also remarried and was happily residing with her husband. It is also claimed that on account of malice, the service record of the petitioner was deliberately replaced/tagged with the character verification report of some other Mauji Ram, whose father's name was Shri Bhuru Ram and who belonged to a different village and caste. It was that Mauji Ram S/o Sh. Bhuru Ram, who was dismissed from Military service and the petitioner was deliberately sought to be falsely implicated. It was further clarified that the petitioner was never dismissed from service from the Department of Posts & Telegraph, rather he was working in the said department on contractual basis and his contract was not renewed, and therefore, it is apparent that all allegations levelled against him were patently false. Realizing the fact that the allegations were not true, the petitioner was reinstated vide letter dated 30.04.1998 and was transferred to Rohtak by letter/order of an even date. However, he has not been paid his full salary and allowances for the suspension period, for which he was not to be blamed.

3.2 A third charge-sheet dated 24.12.1998 (Annexure P-11) was served upon the petitioner on the set of allegations that he had made false complaints against officers/officials, by using the letter pad of the employee's union and by concealing his own bad behaviour. It was alleged that the complaint made by the petitioner was found to be false in the enquiry got done from the S.P. Sonipat, and therefore, the said action



chargesheet was also duly responded to. It is the further allegation of the petitioner, that despite the fact that almost all his ACRs were outstanding, excellent or very good or good, and he was given special incentives in the years 1991 to 1995 for his extraordinary hard work and given an honorarium in the year 1995, besides having been promoted keeping in view his overall service record, yet with the mala-fide intent to stop the petitioner from getting any promotion, extremely adverse and derogatory remarks were recorded in his ACR for the year 1997-1998. In a further act of harassment, he was not allowed to cross the efficiency bar vide letter dated 27.03.2000 on the ground that his honesty and conduct during the year 1997-1998 was doubtful and that enquiries were pending against him. Even though the immediate boss of the petitioner since 13.11.1997, vide letter dated 08.05.2001 (Annexure P/15) recommended grant of extension to the petitioner beyond the age of 55 years, on account of petitioner's extraordinary work and behavior, yet he was compulsorily retired on 05.10.2001, in an arbitrary and illegal manner.

3.3 Aggrieved from the adverse remarks recorded in the ACR for the year 1997-1998, the petitioner filed an appeal, which was rejected vide order dated 14.08.2000, after noticing the comments received from the Controller, that there were complaints against the petitioner from the public and employees, including women employees. It was held that no satisfactory answer was given by the petitioner during the personal hearing.

3.4 It was in the aforementioned factual background, that the petitioner approached this court by filing CWP No.7376 of 2001, seeking the relief, as mentioned hereinabove. During the pendency of the said petition,



the petitioner was communicated the decision regarding his compulsory retirement and was given a notice of three months. It is this notice/order that was impugned in CWP No. 19003 of 2001, which was ordered to be heard along with CWP No.7376 of 2001 in terms of the order dated 05.03.2002, passed by a Coordinate Bench of this court.

3.5 In the written statement filed on behalf of the official respondents in the first petition, it was *inter alia* stated that two reports pertaining to charge-sheets dated 04.09.1997 and 24.12.1998 had been received from the Enquiry Officer till the time of filing the written statement and while charge-sheet dated 24.12.1998 had been filed vide order dated 19.02.2002, charge Nos. 2 and 3 of the charge-sheet dated 15.12.1997, i.e. the second charge-sheet, were dropped by the competent authority and the petitioner had been duly informed about the same. It was further stated that the decision regarding the suspension period from 13.11.1997 to 05.05.1998 will be taken whenever the disciplinary proceedings in pursuance to the charge-sheets is finally decided by the competent authority. It was also stated that the efficiency bar of the petitioner which was due w.e.f. 01.04.1999 could not be cleared as his integrity was found doubtful in the ACR pertaining to the year 1997-1998 and thus, his claim in this regard was rightly rejected. It is the further stand of the respondents that the decision regarding compulsorily retirement of the petitioner was taken in public interest and he was rightly relieved from service w.e.f. 18.01.2002.

3.6 The factual assertions regarding lodging of complaints regarding corruption by the petitioner are admitted, however the allegations regarding conspiracy against the petitioner and mala fide have been denied.



3.7 Subsequently, in compliance with the order dated 12.05.2025, passed by this Court, an affidavit dated 09.07.2025 of Deputy Controller, office of Printing and Stationery Department, Haryana has been filed, wherein the entire service profile of the petitioner has been tabulated and placed on record, which is extracted as under:-

As Clerk	Year	Report	Remarks
	1971-72	Good	
	1972-73	Good	
	1973-74	Average	A copy of ACR is annexed as Annexure R-1.
	1974-75	Good	
	1975-76	Below Average	Copy of ACR is annexed as Annexure R-2. Warning issued vide letter No. P&SH-76/2315/Admn. dated 18.06.1976. A copy of letter is annexed as Annexure R-3.
As Assistant	Year	Report	Remarks
	1976-77	Below Average	Copy of ACR is annexed as Annexure R-4. Stoppage of next increment for one year with cumulative effect vide office order No. P&SH 76/10952/ Admn. Dated 07-12-1976. A copy of order is annexed as Annexure R-5, a copy or warning letter P&SH-77/7464/TBP Dated 31.03.1977 is annexed as Annexure R-6 and a copy of warning letter No. P&SH-77/2442/PA dated 08.06.1977 & office order No. P&SH-80/9277/ Admn. dated 06.10.1980 are annexed as Annexure R-7 & 8. Recovery has been effected from the petitioner vide office order No. P&SH-80/9968/Admn. dated 21.X.1980. A copy of recovery order is annexed as Annexure R-9.
	1977-78	Below Average	A Copy of ACR is annexed as Annexure R-10. Warning issued vide letter No. P&SH-78/2930/PA.dated 03.05.1978 is annexed as Annexure R-11 but on the application of the petitioner, the government vide its letter No. P&SH-81/4002-A/Admn. dated 19.08.198, ACR of the petitioner had been expunged with regard to the remark "the work is pending on the seat" which is annexed as Annexure R-12.
	1978-79	Outstanding	
	1979-80	Good	
	1980-81	Average	A copy of ACR is annexed as Annexure



			R-13 & censure issued vide office order No. P&SH-822462/Admn. dated 15.06.1982. A copy is annexed as Annexure R-14.
	1981-82	Good	
	1982-83	Good	
	1983-84	Good	
	1984-85	Average	A copy of ACR is annexed as Annexure R-15 & warning issued vide letter No. P&SH-85/300/PA dated 13.11.1985. A copy is annexed as Annexure R-16.
	1985-86	Good	
	1986-87	Good	
	1987-88	Outstanding	
	1988-89	Very Good	
	1989-90	Very Good	
	1990-91	Very Good	
	1991-92	Outstanding	
	1992-93	Good	
	1993-94	Good	
	1994-95	Very Good	
	1995-96	Very Good	
	1996-97	Good	
	1997-98	Below Average	A copy of ACR is annexed as Annexure R-17 & Warning had been issued vide letter No. P&SH-98/303/Admn. Dated 12.11.1998 A copy is annexed as Annexure R-18.
	1998-99	Good	
	1999-2000	Good	
	2000-01	Very Good	
	2001-02	Good	

III. Contentions:

4. Mr. D. S. Rawat, Advocate, appearing on behalf of the petitioner, at the very outset submits, that due to the sheer efflux of time CWP No. 19003 of 2001, laying challenge to the compulsory retirement of the Petitioner, has lost its efficacy. So far as CWP No. 7376 of 2001 is concerned, it is submitted that the petitioner has not been found guilty in any criminal case, nor in any departmental proceedings and to the contrary, all



the impugned charge-sheets have been dropped/filed and therefore challenge to the impugned charge-sheets does not subsist. The petitioner restricts his claim for treating the suspension period from 13.11.1997 to 05.05.1998, as period spent on duty and for quashing of the impugned orders dated 12.11.1998 (Annexure P/13), whereby adverse remarks were given in the ACR of the year 1997-1998, the impugned order dated 27.03.2000 (Annexure P-14), whereby his claim qua crossing the efficiency bar was rejected and for setting aside of the order dated 28.07.2000 (Annexure P-17), whereby his appeal for expunging the adverse remarks was rejected, in an illegal and arbitrary manner. It is contended that once the charge sheets, which were the main basis of all impugned actions against the petitioner were dropped/filed, then the suspension period will have to be treated as period spent on duty and the impugned ACR and orders cannot sustain, and petitioner will have to be granted all consequential benefits. It is argued that the action against the petitioner was actuated in malice, which duly stands proved from the fact that false and fabricated allegations were levelled against the petitioner, even to the extent that his service record was tagged with some other employee, with the mala-fide intent to falsely implicate him.

4.1 Reliance has been placed upon the judgment of the Hon'ble Supreme Court '*State of UP Vs. Yamuna Shanker Misra, (1997) 4 SCC 7,*' to contend that the object of writing the confidential report and making entries in the character rolls is to give an opportunity to a public servant to improve excellence. Before forming an opinion to be adverse, the reporting officers writing confidentials, should share the information which is not a



confronted by the officer and then make it part of the record. It is submitted that apart from the adverse remarks pertaining to allegations qua which the charge sheets have already been dropped, the only other allegations regarding the integrity was regarding some alleged complaints by female colleagues and entering of office premises in intoxicated condition after office hours, qua which no materiel was ever provided to the petitioner, nor any enquiry was conducted, which in itself proves that the said charges were concocted. It is argued that the factum regarding the petitioner having submitted complaints against the Manager, Sonipat Depot, who recorded the ACR in question, has not been disputed. As regards crossing of efficiency bar, it is submitted that the competent authority while taking a decision upon the same, has ignored the relevant guidelines/instructions and has wrongly rejected the claim of the petitioner on the ground of his honesty and conduct being doubtful during the year 1997-1998 and that enquiries were pending against him. It is argued that the authority has failed to take into consideration the fact that the majority of the ACRs of the petitioner's service career, especially immediately prior and subsequent to the year 1997-1998, were either outstanding, very good or good. The competent authority ignored the fact that the petitioner was consistently granted honorarium for his exceptional hard work, was granted promotion, and was highly recommended by his immediate boss from the period of 13.11.1997 till passing of the order dated 27.03.2000. It is thus urged that CWP No. 7376 of 2001 be allowed and the relief as sought by the petitioner be granted.

4.2 *Per contra*, learned Deputy Advocate General, Haryana,

appearing on behalf of the official respondents, has controverted the



arguments raised by the learned counsel for the petitioner and has contended that the period of suspension cannot be treated as period spent on duty, as the suspension was not on account of any fault on the part of the employer department. It is further urged that the remarks as recorded in the ACR for the year 1997-1998 were based upon proper and correct assessment of the work and behaviour of the petitioner and there was material available on record regarding complaints qua his behaviour with women employees and quarrels with other officials/employees. He contends that the decision to reject the claim of the petitioner from crossing the efficiency bar was taken in consonance with the applicable instructions and on account of the fact that his integrity had been found to be doubtful. He, therefore, prays that the writ petition be dismissed, being without any merit.

4.3 We have heard learned counsel for the parties and have gone through the material available on record, with their able assistance.

IV. Analysis and Conclusion:

5. The questions that arise for our consideration, are three-fold.

- (i) Whether the period of suspension is to be treated as period spent on duty?
- (ii) Whether the order dated 28.07.2000 (P/17) rejecting the appeal for expunging the adverse remarks in the ACR of 1997-1998 warrants interference and the adverse remarks regarding honesty are to be expunged?
- and (iii) whether the order dated 27.03.2000 (Annexure P/14) rejecting crossing of efficiency bar is required to be set aside?

5.1 As regards the first issue regarding treating the suspension period from 13.11.1997 to 05.05.1998 is concerned, it would be apposite to refer to the relevant provisions of Rule 7.3 and 7.5 of the Punjab Civil



“7.3 (1) When a Government employee, who has been dismissed, removed, compulsory retired, or suspended, is reinstated, or would have been reinstated but for his retirement on superannuation, the authority competent to order the reinstatement shall consider and make a specific order:-

(a) regarding the pay and allowances to be paid to the Government employee for the period of his absence from duty, occasioned by suspension and/or dismissal, removal or compulsory retirement ending with his reinstatement on or the date of his retirement on superannuation as the case may be, and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority mentioned in sub-rule (1) is of opinion that the Government employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the Government employee shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired or suspended, as the case may be.

(3) In other cases, the Government employee shall be given such proportion of such pay and allowances as such competent authority may prescribe:

Provided that the payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

Provided further that such proportion of such pay and allowances shall not be less than the subsistence and other allowances admissible under rule 7.2.

(4) In a case failing under sub-rule (2) the period of absence from duty shall be treated as a period spent on duty for all purposes.

xxx

xxx

xxx

7.5 An employee of Government against whom proceeding have been taken either for his arrest for debt or on a criminal charge or who detained under any law providing for preventive detention should be considered as under suspension for any periods during which he is detained in custody or is undergoing imprisonment, and not allowed to draw any pay and allowances (other than any subsistence allowance that may be granted in accordance with the principles laid down in rule 7.2) for such period until the final termination of the proceedings



taken against him or until he is released from detention and allowed to rejoin duty, as the case may be. An adjustment of his allowances for such periods should thereafter be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of blame or (if the proceedings taken against him were for his arrest for debt), of its being proved that the officer's liability arose from circumstances beyond his control or the detention being held by the competent authority to be unjustified."

It is undisputed that the petitioner was reinstated by the department itself and no action was taken against the petitioner on the basis of the impugned charge-sheets, nor has he been convicted in any criminal proceedings. To the contrary, perusal of the order dated 28.07.2000 (P/17) would show that the department itself had requested the Chief Secretary, to drop all charges as regards the Vigilance enquiry was concerned, when they realized the 'mistake' qua such allegations. In the written statement, the stand of the respondents was that the final decision regarding, the period of suspension, will be taken on the conclusion of the disciplinary proceedings. However, despite the lapse of almost two and a half decades, no such decision of the competent authority has been brought to our notice or placed on record. In the facts and circumstances of the case, it cannot be said that the petitioner was not willing to work during the period of his suspension or that his absence was on account of any fault attributable to him, and therefore the principle of 'no work no pay', would not be applicable. The learned State counsel has failed to draw our attention to any reason, which would disentitle the petitioner from getting the benefit of full salary and other allowances during the suspension period and as to why the said period should not be treated as period spent on duty, as per the above cited Rules,



especially when all charges against the petitioner have concededly been dropped. We are therefore of the opinion that the aforementioned period of suspension would be required to be treated as period spent on duty and the petitioner would be entitled to full pay and allowances, for such period.

5.2 As regards the question of examining the correctness of the order of the appellate authority dated 28.07.2000 (P/17) and expunction of adverse remarks pertaining to honesty and conduct of the petitioner during the year 1997-1998, it would be pertinent to advert to the ACR of the concerned year which has been placed on record as Annexure R-17. What has been recorded in this regard is that he entered the office, after the office hours were over, without prior permission in a state of intoxication and attacked the Chowkidar on duty. Interestingly, it is further observed that he '**might**' certainly been involved in other incidents of violence in the office. It is further recorded that teasing and misbehaving with female employees makes his honesty and conduct suspicious. The reporting authority who recorded the remarks was the Manager of the Sonipat Depot and it is not disputed that the petitioner had submitted a complaint against him. Be that as it may, what is important to note is that, despite the fact that as many as three charge-sheets were issued against the petitioner, during the period from 04.09.1997 and 24.12.1998, yet there is no material available on record regarding the alleged complaints against the petitioner and action taken by the department thereupon. To the contrary, as discussed hereinabove, even the impugned charge-sheets stand dropped/filed. The Hon'ble Supreme Court of India in the case of '**State of UP Vs. Yamuna Shanker Misra**', *supra inter-alia* observed as under:



“7. It would, thus, be clear that the object of writing the confidential reports and making entries in the character rolls is to give an opportunity to a public servant to improve excellence. Article 51-A(j) enjoins upon every citizen the primary duty to constantly endeavour to prove excellence, individually and collectively, as a member of the group. Given an opportunity, the individual employee strives to improve excellence and thereby efficiency of administration would be augmented. The officer entrusted with the duty to write confidential reports, has a public responsibility and trust to write the confidential reports objectively, fairly and dispassionately while giving, as accurately as possible, the statement of facts on an overall assessment of the performance of the subordinate officer. It should be founded upon facts or circumstances. Though sometimes, it may not be part of the record, but the conduct, reputation and character acquire public knowledge or notoriety and may be within his knowledge. Before forming an opinion to be adverse, the reporting officers writing confidentials should share the information which is not a part of the record with the officer concerned, have the information confronted by the officer and then make it part of the record. This amounts to an opportunity given to the erring/corrupt officer to correct the errors of the judgment, conduct, behaviour, integrity or conduct/corrupt proclivity. If, despite being given such an opportunity, the officer fails to perform the duty, correct his conduct or improve himself, necessarily the same may be recorded in the confidential reports and a copy thereof supplied to the affected officer so that he will have an opportunity to know the remarks made against him. If he feels aggrieved, it would be open to him to have it corrected by appropriate representation to the higher authorities or any appropriate judicial forum for



redressal. Thereby, honesty, integrity, good conduct and efficiency get improved in the performance of public duties and standard of excellence in services constantly rises to higher levels and it becomes a successful tool to manage the services with officers of integrity, honesty, efficiency and devotion.”

It is settled law that normally, Constitutional Courts, in exercise of its powers of judicial review, would be loath to intervene in matters pertaining to recording of ACR's, especially once the same have been examined by the appellate authority and have attained finality. However, in the peculiar facts and circumstances of the present case, specific allegations/complaints have been referred to in the ACR, which are stated to be received by the respondent authorities, yet neither the same were supplied to the petitioner, nor examined by the appellate authority, and have not even been placed before us. Admittedly, the petitioner had made complaints against senior officials leading to registration of an F.I.R. and had also complained against the Reporting Officer. It was therefore, incumbent upon the appellate authority to examine the existence of the alleged materiel forming the basis of the adverse entry regarding honesty and conduct, when bias was being alleged. The learned counsel for the respondents has also failed to draw our attention to any disciplinary action taken by the department in the wake of such serious allegations. Under such circumstances, we are of the considered opinion that the order of the appellate authority cannot sustain and the adverse remarks are required to be expunged.



5.3 As regards the question pertaining to the validity of the order rejecting the claim of the petitioner from crossing the efficiency bar is concerned, the perusal of the impugned order dated 27.03.2000 (Annexure P-14) would show that the same has been passed purportedly in the light of Government instructions, whereby he was not considered eligible since his honesty and conduct were alleged to have been doubtful during the year 1997-1998. It was further observed that enquiries under Rule 7 of the Punishment and Appeal Rules, 1987, were pending against him, which further disentitled the petitioner to cross the efficiency bar. Importantly, it was observed that the case will again be reviewed under the provisions Note 3 of Rule 4.8 of the Civil Service Rules, Vol-I, Part-I.

5.4 It would be pertinent to notice the provisions of the Rule 4.8 of the Punjab Civil Service Rules Vol-I, Part-I, as applicable to Haryana and the relevant provisions of the Government instructions in this regard, which are extracted as under:-

4.8. Where an efficiency bar is prescribed in a time-scale the increment next above the bar shall not be given to a Government employee without the specific sanction of the authority empowered to withhold increments under rule 4.7 or the relevant disciplinary rules applicable to the Government employee or of any other authority whom the Governor may, by general or special order, authorize in this behalf.

Note 1.-xxxx

Note 2.-xxxx

Note 3.- The cases of all officers held up at the efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and generally whether the defects for which they were



stopped at the bar have been remedied to an extent sufficient to warrant the removing of the bar.

Government Instructions

No.5474-3S-73/2073

From

The Chief Secretary to Government, Haryana

To

- (i) All heads of Departments, Commissioner, Ambala and Hisar Divisions and all Deputy Commissioners and all the Sub Divisional Officers in Haryana.*
- (ii) The Registrar, Punjab and Haryana High Court, and all District & Sessions Judges in Haryana.*

Dated Chandigarh, the 29th January, 1974

Subject: *Efficiency Bars – Stoppage of Efficiency Bars under the provisions of C.S.R.*

Sir,

I am directed to refer to the subject noted above and to say that in order to ensure uniformity of action by different Departments in the matter of stoppage of officers/officials at efficiency bars Government have reviewed the matter further and consider it necessary to lay down certain general principles in a consolidated form for the guidance of all concerned.

2. xxx... xxx... xxx...

5. (i) xxx... xxx... xxx...

Punjab Govt, Letter No.4091-ASII-60/20836, dated 8-6-60

(iii) xxx... xxx... xxx...

(iv) xxx... xxx... xxx...

(v) *the case will have to be reviewed annually in terms of Notes 3 below Rule 4.8 of the Punjab C.S.R. Vol.-I. Part I and his up to-date record will have to be taken into consideration at the time of each review of the case, so as to see whether the defects have been removed to an extent sufficient to warrant the removal of the bar. For this purpose the previous record will necessarily have to be taken in to consideration together with the fresh reports.*



6. While Heads of Department are required to exercise their judgment and discretion in each case, the following should be kept in view:-

Punjab Govt. Letter No.3574-G-48/35863 dated 5-7-48

(1) xxx... xxx... xxx...

(2) On the other hand stoppage at an efficiency bar should be for general bad work and inefficiency and not for one or two lapses only.

(3) to (5) xxx... xxx... xxx...

(6) The record of the officer/official during the period of 5 years preceding the date on which crossing of the efficiency bar become due should be given special importance.

Haryana Govt. Letter No.7688-3S-71/8980, dated 29-4-71.

(7) An employee who has earned an adverse report against integrity during the period for which the work and conduct is taken into consideration, should not be allowed to cross the efficiency bar.

7. to 10 xxx... xxx... xxx...

11. The Efficiency bar cases should not be held up on account of the fact that some enquiries/department proceedings are in progress against a Government employee. They should be taken up immediately after the due date of crossing the efficiency bar, and should be decided on merits independently of the enquiries / proceedings. If however, the decisions condition that the same will be without prejudice to the decision that may be taken later in the pending enquires/proceedings.”

5.5 After having perused the relevant service record of the petitioner as detailed hereinabove, we find force in the submissions made by the learned counsel for the petitioner that the competent authority was required to take into consideration the relevant factors, including the fact



that the majority of the ACRs of the petitioner's service career, especially immediately prior and subsequent to the year 1997-1998, were either outstanding, very good or good. The competent authority ignored the fact that the petitioner was consistently granted honorarium for his exceptional hard work, was granted promotion, and was highly recommended by his immediate boss from the period of 13.11.1997 till passing of the order dated 27.03.2000. The only valid ground for rejecting the claim was the remarks regarding doubtful integrity, which we have already held to be unsustainable.

5.6 The second ground for rejection of the claim of the petitioner on account of enquiries under Rule 7 of the Rules of 1987, cannot also be sustained in view of the instructions/guidelines, and since no such enquiries are stated to be pending. The competent authority was required to review the quality of work of the petitioner, in terms of Note 3 of Rule 4.8, which it has failed to do. Therefore, the order rejecting the claim of the petitioner for crossing the efficiency bar, deserves to be set aside.

5.7 As an upshot of the aforesaid discussion, CWP No.7376 of 2001 is allowed with the following directions:-

(i) the period of suspension from 13.11.1997 to 05.05.1998 shall be treated as period spent on duty and the petitioner shall be entitled to full pay and other applicable allowances for such period;

(ii) the order dated 28.07.2000 (Annexure P-17) is set aside and the adverse remarks pertaining to the integrity of the petitioner, in the ACR for the year 1997-1998, are expunged;

(iii) the order dated 27.03.2000 (Annexure P-14) rejecting the claim of the petitioner for crossing the efficiency bar is set aside;



- (ASHWANI KUMAR MISHRA)**
JUDGE

Whether Reportable : No