



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

CWP-13823-2019

Date of Decision: 19.09.2025

Surinder Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ishnoor Singh Bains, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 04.10.2018 (Annexure P-6) whereby his representation to expunge adverse remarks recorded in ACR for the period from 01.04.2009 to 31.03.2010 has been rejected.

2. The petitioner during 2009-2010 was posted as Senior Scientific Officer (Chemistry) with Forensic Science Laboratory, Madhuban, Haryana (FSL). He chemically examined one sample connected with FIR No.199 dated 23.09.2009 registered under Sections 323, 302 and 34 IPC at Police Station Kurukshetra. He submitted his report as per technical/chemical analysis. On the direction of Senior Police Officers, sample was retested and this time test was conducted by another Officer who submitted a different report. On account of two different reports, the Competent Authority recorded adverse remarks in

his ACR for the aforesaid period. Learned Additional Sessions Judge, Kurukshetra while adjudicating case arising out of aforesaid FIR relied upon report of petitioner. Second report was ignored and judgment of conviction was recorded on the basis of report of petitioner.

3. In view of judgment of learned Additional Sessions Judge, Kurukshetra, the Director, FSL vide letter dated 13.07.2018 requested Director General of Police (**DGP**), Haryana to expunge adverse remarks recorded in petitioner's ACR. Additional Chief Secretary to Government of Haryana, Home Department vide communication dated 04.10.2018 rejected his representation.

4. Learned counsel representing the petitioner submits that petitioner made representation to respondent in the light of judgment of conviction recorded by trial Court. Director, FSL found substance in his contention and recommended his case for expunging adverse remarks. The matter was put up before Additional Chief Secretary who mechanically rejected his representation.

5. *Per contra*, learned State counsel expressed his inability to controvert the aforesaid factual position, however, submits that scope of interference in such matters is very limited, thus, petition may be dismissed.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of record, it is evident that Director, FSL who is senior most Officer of FSL found substance in the claim of petitioner and requested DGP to expunge adverse remarks recorded in his ACR. The relevant extracts of letter dated 10.07.2018 are reproduced as

below:

“On the basis of difference of Board and report/opinion of Sh. Surender Singh, Senior Scientific Officer (Chemistry) adverse Remarks were recorded in the ACR for the period 01.04.2009 to 31.03.2010 and were also conveyed to Sh. Surender Singh, Senior Scientific Officer (Chemistry), now Assistant Director Toxicology, Regional Forensic Science Laboratory, Sunaria, Rohtak vide letter no. 739/SS/10 dated 31.03.2010 (Annexure- 1).

Later the Hon'ble Court of Ms. Gurvinder Kaur, ASJ, Kurukshetra in her judgement in above mentioned case prevailed the report of Sh. Surender Singh, Senior Scientific Officer (Chemistry) and declared that the convicts had committed murder by administering poisonous substance in the liquor and ordered the accused "RIGOROUS IMPRISONMENT FOR LIFE" along with 50,000 fine. (Annexure-2 page no. 44 & 45, point no. 6).

After the perusal of the representation and the judgement of the Hon'ble court I recommend that adverse remarks recorded in his ACR for the period 01.04.2009 to 31.03.2010 may kindly be expunged and all allegations leveled on him may be set aside as they have not been proved in the light of court decision dated 09.03.17.”

8. The Additional Chief Secretary has rejected petitioner's representation without recording reasons. The order has been passed without adverting to claim of the petitioner. Order dated 04.10.2018 passed by Additional Chief Secretary reads as:

“Kindly refer to your office memo No.6159/Estt(i)-2 dated 02.08.2018 on the subject noted above.

After careful reconsideration of this matter Government has decided to reject the representation submitted by Sh. Surender Singh Assistant Director, Toxicology, RFSL Sunaria Rohtak. Please intimate to petitioner accordingly. “

9. This Court is not oblivious of the fact that scope of interference in ACR matters is very limited. The Court is also conscious of the fact that adverse remarks recorded in ACR not only affect future prospects of an employee but also cause mental agony and stress. The petitioner prepared report as per his competence and test results. The trial Court appreciated his report and convicted the accused. It appears that authorities sought second opinion just to discard his opinion and favour the accused. The first report which was prepared by petitioner was proving guilt of the accused. It appears that Higher Authorities were shielding actual accused which compelled them to seek second report. The petitioner instead of being appreciated was subjected to adverse remarks in ACR. The adverse remarks recorded in ACR, in the light of report of Director, FSL and findings recorded by learned Additional Sessions Judge, Kurukshetra need to be set aside and accordingly set aside.

10. *Allowed.*

(JAGMOHAN BANSAL)
JUDGE

19.09.2025

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No