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

CWP-14163-2025

Date of Decision: 16.05.2025

NAVEEN KUMAR

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sandeep Thakan, Advocate
for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order, dated 03.11.2023, Annexure P-10, whereby petitioner's representations, dated 12.08.2017, 28.07.2018 and 12.07.2019, Annexure P-3, Annexure P-6 and Annexure P-8, respectively, filed against the adverse remarks recorded in ACRs for the year 2016-17, 2017-18 and 2018-19 have been rejected. Further, a writ of *mandamus* has been sought seeking directions to the respondents to expunge the adverse remarks in ACRs for the aforementioned years.

2. Learned counsel for the petitioner contends that his



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representations seeking expunction of adverse remarks remained pending with the second respondent for a long period before the decision could be taken vide the impugned order, therefore, the order is bad in law and needs to be set aside.

3. Learned State counsel, appearing on advance notice on behalf of the respondents, contends that the impugned order has been passed after duly considering the relevant facts of the case. The adverse remarks recorded in the petitioner's ACRs by the Commanding Officer/reporting officer were confirmed by the reviewing authority when he was working as Clerk at 1 Haryana Air Sqn. NCC, Hisar. His representations against the same were duly considered by the second respondent/accepting authority, who found nothing illegal or irregular about it. The petitioner was also given due opportunity of hearing but he could not explain the reasons why the adverse remarks should be expunged, and, therefore, his representations were rejected.

4. After considering the submissions made by learned counsel for the parties, this Court finds no illegality or irregularity in the impugned order dated 03.11.2023, rejecting petitioner's representations against adverse remarks in the ACRs. The order is well reasoned and takes into account relevant facts of the case. Reliance placed by learned counsel for the petitioner upon the judgment rendered by the Supreme Court in *Dev Dutt v. Union of India and others*, 2008 (8) SCC 725, is misplaced. It holds that every adverse entry should be communicated to the public servant who has a right to make a representation against the same to the concerned authority. The authority must decide the same in a clear manner within a reasonable



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period. It has also been held that the representation must be decided by an authority higher than the one who recorded the entry, otherwise there is likelihood of the representation being summarily rejected without adequate consideration. In the instant case, none of the situations contemplated arise as the petitioner has been afforded the right to make representations which have been duly considered and decided by recording reasons in a fair manner after providing due opportunity of hearing to him. And the authority to decide the representations, i.e., the second respondent is undoubtedly a higher authority than the reviewing authority.

5. In view of above, there is no ground to entertain the petition, and it stands dismissed.

16.05.2025

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(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*