**RSA-1573-2020 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RSA-1573-2020 (O&M)
Reserved On: 16.09.2025
Pronounced on : 31.10.2025**

HC Braham Parkash

... Appellant

Versus

Haryana State and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Manish Soni, Advocate with
Gurdeep Grewal, Advocate
for the appellant.

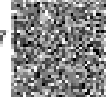
Mr. Harish Nain, AAG, Haryana

* * * * *

SUDEEPTI SHARMA, J. (Oral)

1. The challenge in the present regular second appeal is to judgment and decree dated 19.02.2020 passed by learned Civil Judge (Jr. Division), Gurugram, whereby, suit for declaration and mandatory injunction filed by the appellant was dismissed as well as judgment and decree dated 26.08.2020 passed by District Judge, Gurugram, whereby, appeal filed by the appellant was dismissed.

2. Brief facts of the case are that appellant was conveyed regarding adverse remarks for the period between 01.04.2016 to 21.12.2016 by Commissioner of Police, Gurugram through Deputy Commissioner of Police, Gurugram on 05.05.2017. As per the pleadings in the civil suit, the adverse entry in ACR was recorded only on the basis of criminal case registered against him and the pendency of departmental enquiry.

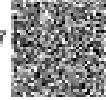
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3. The departmental enquiry was filed by Commissioner of Police, Gurugram vide order dated 30.01.2019 and in the criminal case registered against him, appellant was acquitted by the Court of learned Additional Sessions Judge, Gurugram vide judgment dated 22.12.2017. Despite the same, adverse entry in ACR of appellant was not expunged. He submitted representation to the Commissioner of Police, Gurugram but the same was rejected by him vide order dated 20.02.2019. He filed civil suit to the effect that the letter dated 05.05.2017 communicated to him by Deputy Commissioner of Police, South, Gurugram and order dated 20.02.2019 passed by Commissioner of Police, Gurugram are illegal, unlawful, null and void and against principles of natural justice, equity and good conscience and are liable to be set aside. Civil suit filed by him was dismissed by Civil Judge (Jr. Division), Gurugram vide judgment and decree dated 19.02.2020. He preferred appeal against the same which was also dismissed by District Judge, Gurugram vide its judgment and decree dated 26.08.2020. Hence, the present regular second appeal.

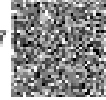
6. Learned counsel for the appellant contends that both the Courts did not appreciate the evidence as well as material available on record, in right perspective, thereby, rendering the findings to be perverse and unlawful.

7. *Per contra*, learned counsel for the respondents contends that orders dated 05.05.2017 and 20.02.2019 are well-reasoned orders, therefore, the present appeal be dismissed.

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



9. A perusal of the record shows that for the period from 01.04.2016 to 21.12.2016, adverse remarks were given in ACR of the appellant. He is seeking expunging/setting aside of the same in the present appeal. Appellant faced trial in FIR No.17 dated 25.07.2016 under Section 7 & 13 of The Prevention of Corruption Act in which he was acquitted by learned Additional Sessions Judge, Gurugram vide judgment dated 22.12.2017. Thereafter, departmental enquiry was initiated against him and after the completion of departmental enquiry, punishment of '*Penalty of Stoppage of One Future Increment with Permanent Effect*' was imposed vide order dated 05.04.2018. Aggrieved by the same, the appellant filed appeal before Commissioner of Police, Gurugram which was accepted and punishment order was set aside vide order dated 30.01.2019. Meanwhile, Deputy Commissioner of Police, South, Gurugram who was reporting officer of appellant, passed adverse remarks in the ACR of appellant for the period from 01.04.2016 to 21.12.2016 on the basis of departmental proceedings and criminal case. The said adverse remarks were conveyed to the appellant vide letter dated 05.05.2017. The appellant was ultimately acquitted/discharged in both, criminal case as well as departmental proceedings but the adverse remarks were not expunged. Therefore, appellant filed representation dated 14.02.2019 before the Commissioner of Police, Gurugram. However, he rejected the same being time barred on the ground that as per instructions dated 14.08.1987 passed by Chief Secretary to Government of Haryana, the dealing authority may entertain representation against adverse remark within a period of three months.

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Aggrieved against impugned order, appellant filed civil suit before the Court of learned Civil Judge (Jr. Division), Gurugram, challenging communication letter dated 05.05.2017 whereby, adverse remarks have been conveyed to the appellant and order dated 20.02.2019 passed by Commissioner of Police, Gurugram rejecting the representation for expunging the adverse remarks.

10. A perusal of the record further shows that ACR for the period from 01.04.2016 to 21.12.2016 was conveyed to the appellant on 05.05.2017 which was acknowledged on 06.06.2017. The adverse remarks were recorded on the basis of criminal case registered against him and pendency of departmental enquiry. Appellant was acquitted on 21.12.2017, and in the departmental enquiry ultimately his appeal was accepted on 30.01.2019 and punishment order was set aside by Commissioner of Police, Gurugram vide order dated 30.01.2019. Thereafter, he made representation on 14.02.2019. Since, the cause of action for expunging the adverse remarks recorded in the ACR for the period from 01.04.2016 to 21.12.2016 arose after the decision of criminal case i.e. 22.12.2017 when he was acquitted and after the final decision of appellate authority on departmental enquiry i.e. 30.01.2019 when punishment was set aside, therefore, the representation dated 14.02.2019 filed by the appellant after the decision of both criminal case as well as departmental enquiry, is not time barred.

11. In view of the same, the matter is remanded to Commissioner of Police, Gurugram to decide the representation dated 14.02.2019 filed by the appellant regarding expunging of remarks recorded in ACR for the period from 01.04.2016 to 21.12.2016 afresh in accordance with law by passing a

speaking order within a period of six months from the date of receipt of certified copy of this order.

12. Accordingly, the present regular second appeal is *disposed of*.

31.10.2025

Sahil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(SUDEEPTI SHARMA)

JUDGE