

**CWP-16159-2016****-1-**

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

205**CWP-16159-2016****Date of Decision: 10.09.2025****Balbir Singh****...Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - None for the petitioner

Mr. Ashok Kumar Khubbar,
Additional Advocate General, 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 30.06.2016 whereby he was ordered to retire at the age of 55 years. He is further seeking setting aside of adverse remarks recorded in his Annual Confidential Report ('**ACR**') for the period from 01.04.2015 to 09.09.2015 and order dated 09.06.2016 whereby his representation against adverse remarks in ACR was rejected.

2. The respondent by impugned notice/order has retired the petitioner on attaining the age of 55 years. The said order has been passed in exercise of power conferred by Rule 3.26(d) of Punjab Civil Services Rules, Volume-I, Part-I and Rule 9.18(1)(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short '**PPR**').

3. The impugned order was passed in June' 2016. Had the impugned order not been passed, the petitioner would have worked for three



more years. He was part of Haryana Police Force and his service was pensionable, thus, he must have received pension which is 50% of last drawn salary. He had not worked during said period. Thus, at this stage, no interference is warranted.

4. Scope of interference in ACR matters is very limited. An Authority is best judge of subordinate's strength and weakness. In the absence of material irregularity, the Court cannot substitute opinion of the authorities.

5. In ***CWP No.20171 of 2010, Dharamvir Singh v. State of Haryana and others***, Full Bench of this Court considered question of adverse remarks recorded in the ACR. The Full Bench adjudicated the issue vide judgment dated 14.08.2024. The relevant extracts of the judgment are reproduced as below: -

“22. After considering the entire gamut of law we are of the opinion that writing of confidential reports is in public interest. It is the periodic assessment by the superior officer of the work done by his subordinate. The primary object of writing of confidential reports is to give an opportunity to the public servant to improve excellence. This is in furtherance of Article 51-A(j) of the Indian Constitution as per which upon every citizen is the primary duty to constantly endeavour to prove his best, individually and collectively. Confidential reports are also maintained by the government and other organizations to assess the employee's service record at the time of consideration of his case for grant of increments, promotions, retention in service etc.

23. Writing of confidential reports is an administrative function. It should be done objectively and fairly. Subject to the confidential report being a bonafide opinion of the reporting officer and not based on his whims, the Courts would normally refrain to interfere with the recording



thereof. The reason for such reluctance is because the officer who is entrusted with the duty of writing confidential reports is best suited for this job as it is he under whose watch is the officer whose confidential report is being written.

24. Recording of confidential reports is not a penalty but these reports and in particular entries doubting the employee's integrity would certainly prejudice the employee's career. Even a solitary entry of doubtful integrity in the employee's confidential reports can propel his ouster from service. It could also adversely impact the grant to him of increments, promotions etc. Thus, recording of the entry with regard to doubting the employee's integrity must be only after the employee's work and conduct has been assessed objectively and dispassionately. To hold otherwise could invite mischief. Such an entry should not be based on the reporting officer's mere notion or supposition or assumption. The entry of doubting of his subordinate's integrity to be recorded in his ACR should be such which would be acceptable by a reasonable man on the given material. In these cases "material" may or may not be limited to written complaints or tangible evidence as many a times such evidence is not easily forthcoming. "Material" on which confidential reports of such nature can be based could be substance, matter, data, information etc. Repeated verbal complaints or even discreet enquiries conducted qua the concerned officer or even receipt of information from a reliable source would constitute "material" leading to doubting of his integrity. There may also be instances where an entry of doubtful integrity could be based on the overall bad reputation of the employee over a prolonged period of time as such an officer would not become suddenly dishonest. In this regard there may not be found any tangible material against the employee but in these circumstances bona fide recording of an entry doubting his integrity which is based on information from reliable source(s) could be upheld when put under judicial scrutiny. One of the reasons behind holding so is because it is not uncommon that the corrupt are clever enough not to leave any tangible trace of their wrong doings.



In these peculiar circumstances, in public interest, even in the absence of concrete or material evidence bona fide doubting of the employee's integrity based on information received from different but reliable sources would be sustainable. However, in such circumstances, while recording/ approving adverse entries of doubtful integrity the reporting and/ or the approving officer has to exercise extreme caution. In a given case, the Court, while exercising judicial scrutiny may still quash the adverse entry pertaining to doubting of the employee's integrity if it finds that the same is based on "no material whatsoever" but while doing so the Court would also exercise caution and keep in mind the nature of the function being discharged by the employee concerned and the nature of the exercise undertaken by his reporting officer at the time of recording the ACR in question."

6. In the case in hand, the petitioner was made to retire in 2016 and he actually retired in 2016. The adverse remarks in the ACR affect future prospects. As the petitioner has retired, there is no effect on his future prospects.

7. In the wake of afore-cited factual position and judgments, this Court does not find it appropriate to interfere with remarks recorded by Authority in the ACR of the petitioner. The instant petition deserves to be dismissed and accordingly dismissed

8. There is no representation on behalf of the petitioner. He is at liberty to move an appropriate application within three months, if cause survives.

(JAGMOHAN BANSAL)
JUDGE

10.09.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No