



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

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**CWP-3564-2021 (O&M)
Date of decision: 21.04.2025**

OMVEER

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Daljit Singh, Advocate
for the petitioner.

Mr. Dheeraj Jain, Senior Panel Counsel
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

Twin prayers have been made in the present writ petition by the petitioner firstly that the respondents authorities of the Indo Tibetan Border Police Force be directed to disclose the APARs of the petitioner in a time bound manner for the years 2015-16, 2016-17, 2017-18, 2018-19 and 2019-20 ; and secondly for issuance of directions to the respondents to decide the representation of the petitioner dated 26.05.2019 (wrongly written as 15.06.2017 in the writ petition) against the adverse remarks given in the Pen Picture Column of the APAR for year 2014 and to upgrade the numerical grading awarded in the APARs for the years 2014 and 2015.

2. Learned Counsel appearing on behalf of the respondent-refers to the short reply dated 26.08.2022 filed by the respondents wherein it has been averred that so far as the APARs for the respective years is concerned, the same have been disclosed to the petitioner vide 50th Battalion memos dated 17.08.2021, 07.08.2021 and 28.08.2021. He further submits that the representation submitted by the petitioner against the APARs assessment for the years 2014-15 was considered at the appropriate level and ultimately after due consideration of the representation, the same has been rejected by the DIG, Sector Head Quarters (L&C) vide order dated 04.01.2022. A copy of the said order had also been served upon the petitioner on 05.01.2022.

3. Even though the said reply had been filed by the respondents in August, 2022, no rejoinder controverting the factual assertion made thereunder has been filed.

4. Learned Counsel for the petitioner contends that the communication being portrayed by the respondents as APARs is not in the format as prescribed under the guidelines and hence is not a valid communication of the APARs. He, however, does not dispute that in the absence of any challenge to the aforesaid communication being claimed by the respondents as APARs, the said issue cannot be examined as it would be beyond the scope of the prayer made in the present writ petition. It is also not in dispute that the representation of the petitioner has already been decided by the respondents vide order dated 04.01.2022 and no separate challenge to the same has been made.

5. Faced with the above, Counsel for the petitioner seeks withdrawal of the present writ petition with liberty to take recourse to filing

of an appropriate petition against the communication/orders passed by the respondents including the APARs as communicated.

6. Disposed of as withdrawn with liberty as aforesaid.
7. Needless to mention that the period during which the present writ petition has remained pending shall be taken into consideration while computing limitation, if any, against the remedy availed by the petitioner.
8. All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 21, 2025

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No