



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

CWP-6166-2015

Date of Decision: 06.11.2025

Jagdeep Singh Warder

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Vaishali Kamboj, Advocate
for the petitioner.

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. On 14.10.2025, the following order was passed:

“The petitioner is assailing adverse remarks recorded in his ACR. As per remarks recorded in his ACR, his integrity is doubtful. He is also assailing order dated 29.06.2011 whereby he was awarded punishment of censure.

The petitioner claims that Enquiry Officer found him innocent still disciplinary authority awarded punishment of censure. He was placed under suspension, however, was reinstated in view of report of Enquiry Officer. On the basis of punishment of censure, adverse remarks were recorded in his ACR. His integrity has been declared doubtful. Adverse remark of doubtful integrity is going to adversely affect carrier of the petitioner.

Learned State counsel submits that petitioner was in regular touch of jail inmates. The respondent has call detail record disclosing that petitioner was in contact of jail inmates. He seeks time to place on record documentary evidence disclosing connection of petitioner with jail

inmates.

Adjourned to 06.11.2025.

To be taken up immediately after the urgent matters.”

2. Learned State counsel submits that as per available information, the petitioner had talked to a criminal while he was on bail and there is no documentary evidence that petitioner was in contact of a jail inmate/prisoner.

3. By order dated 05.10.2015 passed in **CWP-20171-2010**, Hon’ble the Acting Chief Justice was requested to constitute a Larger Bench to resolve the issue regarding adverse remarks *qua* integrity recorded in the ACR. It was because of divergence of opinion expressed by different Division Benches of this Court.

4. The matter came up for consideration before the Full Bench of this Court which finally 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.

25. In the light of the afore discussion, we humbly declare that Des Raj's case (supra) and D.N. Dalal's case (supra) to the extent that they hold that adverse reports doubting the officer's integrity to be legally sustainable, are required to be backed by tangible material, are not good law.

26. Having answered the question referred to us as above, we direct listing of the petition before an appropriate Bench, as per roster, for decision on merits."

5. The petitioner was concededly found innocent by Inquiry Officer. His integrity was declared doubtful on account of said inquiry.

His case is squarely covered by aforecited judgment.

6. In the wake of above discussion and findings, the instant petition deserves to be allowed and accordingly ***allowed***. Orders downgrading ACRs (Annexures P-8 and 10) and order dated 23.12.2013 (Annexure P-13) are hereby set aside.

(JAGMOHAN BANSAL)
JUDGE

06.11.2025
Prince Chawla

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