



RSA-2550-2024 (O&M)

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

**RSA-2550-2024 (O&M)
Reserved on : 10.09.2025
Pronounced on : 29.09.2025**

Sushil Kumar

.....Appellant

Vs.

The Government of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Akshay Kumar, Advocate, and
Mr. Aditya Singh, Advocate,
for the appellant.

Mr. Harish Nain, AAG, Haryana,
for the respondents.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 12.07.2024 passed by learned District Judge, Kurukshetra, whereby, appeal filed by the respondents against the judgment and decree dated 15.05.2023 passed by Additional Civil Judge (Senior Division), Kurukshetra, was allowed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that the appellant joined service of the Haryana Police Department on the post of Constable on 28.10.2000 by direct recruitment. On the basis of his outstanding service record, Good and Very Good ACRs, as well as by qualifying the intermediate school examination, he was promoted to the post



of Head Constable in the year 2010 and thereafter, to the post of Assistant Sub Inspector on 01.08.2019. He, during his entire service w.e.f. 28.10.2000 to 31.10.2019, remained posted at different stations and earned Good and Very Good ACRs. Letter No.9699/PA dated 12.06.2020 was received by the appellant from the office of Additional Director General of Police, Ambala Range, Ambala Cantt., vide which, appellant was served with a letter of adverse remarks appended in his ACR for the period 01.04.2019 to 31.03.2020 by the Superintendent of Police, Kurukshetra. There were 21 Columns in the ACR for the period 01.04.2019 to 31.03.2020. Out of which, in Columns No.2 to 13 and 19 to 21, below average remarks were appended, but in Column No.1 against the honesty - doubtful was written, in Column No.14 against reliability - not reliable was written and in Column No.17 against defects, if any, whether the same in the notice of the concerned officer with any communication - Departmental Inquiry pending for giving unfair advantage to the accused of case FIR No.373 dated 17.08.2019 registered under Sections 406, 498-A and 506 of the Indian Penal Code, 1860 (for short, 'IPC'), at Police Station Sadar Thanesar, remarks were appended. After receiving the aforementioned ACR, the appellant submitted a representation dated 29.06.2020 to the Additional Director General of Police, Ambala Range, Ambala Cantt., with a request to set aside order dated 12.06.2020 and to expunge the adverse remarks appended in the ACR for the year 2019-2020 and the same may be treated as Good and Very Good for all intents and purposes on the ground that the remarks in the ACR are recorded



in very casual and perfunctory manner without following the rules/regulations circulated by the Chief Secretary, Government of Haryana, which are clearly elaborated in Section 9 of the Annual Confidential Report i.e. Article 86, Guidelines for Preparation and Maintenance of Annual Confidential Report of the Staff and the consolidated instructions regarding confidential report issued by the Government of Haryana, have not been followed. Further that the appellant did not commit any kind of negligence in performing his duties, therefore, the remarks 'not reliable', which are not supported with any adverse document are quite baseless, false and are liable to be expunged. With regard to Column No.17, defect if any, the appellant submitted that he had not investigated FIR No.373 dated 17.08.2019 and the allegation of gratification received by him has been found to be false by the Superintendent of Police while conducting preliminary inquiry. And despite preliminary inquiry, the Police Department served show cause notice dated 28.08.2020 and after receipt of reply to the show cause notice, inflicted punishment of stoppage of five increments with permanent effect. He represented before the competent authority against the adverse remarks, which was rejected by the Additional Director General of Police, Ambala Range, Ambala, vide order dated 21.08.2020. Therefore, he filed civil suit for declaration to set aside the order dated 21.08.2020, to expunge the adverse remarks appended in the ACR for the year 2019-2020 and to treat the ACR for the year 2019-2020 as Good/Very Good/Outstanding. The civil suit filed by him was decreed in his favour by learned Additional Civil Judge



(Senior Division), Kurukshetra, vide its judgment and decree dated 15.05.2023. Respondent filed appeal against the judgment and decree dated 15.05.2023 before learned District Judge, Kurukshetra, who vide its judgment and decree dated 12.07.2024 reversed the findings given by learned Civil Judge (Senior Division), Kurukshetra, vide its judgment and decree dated 15.05.2023 and allowed the appeal filed by the respondent. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant contends that the appellant was found innocent during preliminary inquiry (Ex.P-10), therefore, there is no basis for recording the adverse remarks for the year 2019-20 and further submitted that the appellant was promoted as well to the post of Assistant Sub Inspector. He further contended that learned District Judge, Kurukshetra, vide its judgment and decree dated 12.07.2024, has wrongly allowed the appeal filed by the respondents by reversing the findings given by learned Civil Judge (Senior Division), Kurukshetra, vide its judgment and decree dated 15.05.2023. He, therefore, prays that the present appeal be allowed.

4. *Per contra*, learned counsel for the respondents submits that the appeal filed by the respondents has rightly been allowed by learned District Judge, Kurukshetra, vide its judgment and decree dated 12.07.2024. He, therefore, prays that the present appeal be dismissed.



5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

ANALYSIS OF THE RECORD

6. A perusal of the record shows that the appellant was informed vide letter dated 12.06.2020 regarding adverse remarks appended in the ACR for the period from 01.04.2019 to 31.03.2020 by the Superintendent of Police, Kurukshetra. As per respondents, adverse remarks in the ACR of the appellant were recorded on the basis of regular departmental inquiry on the allegation of providing unfair advantage to the accused in FIR No.373 dated 17.08.2019 registered under Sections 406, 498-A and 506 IPC, at Police Station Sadar Thanesar, investigated by the appellant, where he was to take necessary legal action as per law. In this connection, a video message was viral at Whatsapp that the appellant was collecting some money from ASI Chandi Ram and talking about the aforesaid case. Therefore, departmental inquiry was conducted against appellant and after issuing show cause notice dated 28.08.2020 and receiving reply to the same, finally punishment of stoppage of three annual increments with permanent effect was awarded to the appellant, vide order dated 11.08.2020. Appellant filed departmental appeal against the punishment order dated 11.08.2020, which was rejected by the Inspector General of Police, Ambala Range, Ambala. Besides this, the appellant was awarded punishment of Censure and was given warning to remain careful in future by the Superintendent of Police. In another case,



punishment of stoppage of two future annual increments with temporary effect was also awarded to the appellant.

7. HC Khushi Ram, was examined as DW-2, who submitted in paragraph 6 of his affidavit that the departmental inquiry was ordered against the appellant vide order dated 13.01.2020 on the ground that he provided undue benefit to the accused in FIR No.373 dated 17.08.2019 registered under Sections 406, 498-A and 506 IPC, at Police Station Sadar Thanesar, District Kurukshetra, and after departmental inquiry, he was awarded punishment of stoppage of three annual increments with permanent effect, vide order dated 11.08.2020. He further deposed that appeal filed against the punishment order dated 11.08.2020 was rejected on 21.08.2020. Further revision petition against the order dated 21.08.2020 was dismissed, vide order dated 15.12.2021 because of this adverse entry in ACR of the appellant for the year 2019-2020 was recorded. The ACR was duly communicated to the appellant, who represented to the Inspector General of Police, Ambala Range, Ambala, against the adverse ACR and his representation was rejected vide order dated 21.08.2020 (Ex.D-3) passed by the Inspector General of Police, Ambala Range, Ambala.

CONCLUSION

8. Admittedly, appellant was appointed as Constable in Haryana Police Department on 28.10.2000 and thereafter, he was promoted to the post of Head Constable in the year 2010. Thereafter, he earned promotion on 01.08.2019. The deposition of DW2 HC Khushi Ram shows that the



appellant was awarded punishment of “Censure” for not sending character and antecedents verification report to office of the Superintendent of Police within a stipulated period of three days. He was warned for not filing Form No.54 in an accident case bearing FIR No.162/14 registered under Sections 279/337 IPC, at Police Station Pehowa. He was awarded punishment of stoppage of two annual increments without cumulative effect, vide order dated 28.12.2016, in a departmental inquiry for concealment of facts relating to FIR No.299 dated 17.09.2012 registered under Sections 5, 6, 9-B of the Explosive Act and Sections 7, 10 and 55 of the ESM Act, at Police Station Sadar Thanesar, though in the appeal filed by him, the punishment was reduced to “Censure” vide order dated 24.04.2017 passed by the Appellate Authority/ADGP, Ambala Range, Ambala. Another departmental inquiry was conducted against him for providing undue benefit to accused in FIR No.373 dated 17.08.2019 registered under Section 406, 498-A, 506 IPC, at Police Station Sadar Thanesar. He was found guilty by the Inquiry Officer. After accepting the Inquiry Report, punishment of stoppage of five annual increments with cumulative effect was imposed upon the appellant. Thereafter, by taking a lenient view, he was awarded punishment of stoppage of three annual increments with cumulative effect. The appeal filed by him was dismissed, vide order dated 31.08.2020. Thereafter, revision filed by him was also dismissed. The ACR (Ex.P-8) for the year 2019-20 is reproduced as under:-



1.	Honesty	Doubtful
2	Moral Character	Below Average
3	Moral courage & readiness to expose the malpractices of subordinates	Below Average
4	Reputation for fair dealing with the public and accessibility to the public	Below Average
6	Loyalty to the Govt. in power without regard to political and party feeling.	Below Average
7.	Attitude towards subordinates & relations with fellow officers.	Below Average
8.	General power of control and organizing ability.	Below Average
9	Personality and initiative.	Below Average
10.	Power to command.	Below Average
11.	Interest in modern methods of investigation and in modern Police methods generally.	Below Average
12.	Practical experience of criminal law and procedure.	Below Average
13.	Working and detective ability.	Below Average
14.	Reliability.	Not reliable.
17.	Defects if any whether the same to the notice of the concerned officer with any communication.	DE pending for giving unfair advantage to the accused of case FIR No.373, dated 17.08.2019, u/s 406,498-A, 506 IPC, PS Sadar Thanesar.
19.	Gender sensitivity of a police officer and also his/her method of handling women issues.	Below Average
21.	General Remarks	Below Average
	Category of Report: Outstanding, Very Good, Good, Average and Below Average.	A below Average official.

9. In above referred to ACR, with regard to “Honesty”, the remarks are “Doubtful” and against most of the columns, it is “Below Average”. Against the column “Reliability”, the remarks are “Not Reliable” and in the column of “Category of Report” remarks “A below Average official” are given.



10. A perusal of the record shows that three to four punishments were inflicted upon the appellant. A complaint was lodged by Smt. Mamta in case bearing FIR No.373 dated 17.08.2019. In the written statement filed by the respondents, specific averments were made by them that a video message had gone viral on social media site i.e. 'Whatsapp', wherein the appellant was seen collecting money from ASI Chandi Ram while talking about the said case. Therefore, the contention of the appellant that the Reporting Officer did not have any adverse material on the basis of which the adverse remarks with regard to honesty of appellant are given, is not acceptable. So far as the quashing of the FIR by this Court, on the basis of compromise, is concerned that does not wash out the conduct of the appellant which can be seen from the whole record. The appellant filed a representation against recording of adverse remarks in his ACR before the Inspector General of Police, Ambala Range, Ambala, who after affording opportunity to the appellant, dismissed the same. There is nothing on record to show that principles of natural justice were not followed by the respondents before inflicting any of the punishment upon the appellant. There is nothing on record to show that the officers were biased against the appellant nor any evidence was led by the appellant to show the same. Rather, a perusal of the punishment shows that after taking lenient view, punishment was reduced as well. Further, there is nothing on record to show that there is bias or conflict between the Reporting Officer and the appellant, whose ACR is reported, therefore, ACRs cannot be interfered with. In the



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present case, even when for adverse remarks recorded in the ACR, appellant moved a representation before the Inspector General of Police, Ambala Range, Ambala, he was given full opportunity to explain his view point and after hearing him, representation was dismissed vide detailed order dated 21.08.2020. A perusal of the record further shows that service record of the appellant through out the year had been “Below Average”.

11. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 12.07.2024 passed by learned District Judge, Kurukshetra, and the same is hereby upheld.

12. Consequently, the present appeal is hereby **dismissed**.

13. Decree sheet be drawn.

14. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

29.09.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No