



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

232

CWP-29320-2023**Date of Decision: 03.12.2025**

NEELAM BHANDARI

...Petitioner

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Anil Ghanghas, Advocate, for
Mr. Manoj Chahal, Advocate, for the petitioner.

Mr. Arvind Seth, Senior Standing Counsel,
for respondent Nos.2 to 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 10.08.2023 (Annexure P-5) passed by the Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'Tribunal'), by which the challenge raised at the hands of the petitioner to the adverse remarks recorded in her ACR form has been rejected.

2. Learned counsel appearing for the petitioner submits that the adverse remarks which have been recorded are incorrect and the same were contrary to the record and therefore, should have been appreciated by the Tribunal in a manner required, whereas, the Tribunal has held that the petitioner applicant was not very disciplined and her performance was also erratic; and further, such omissions on the part of the petitioner were never conveyed to her which led to the recording of the adverse remarks. Learned counsel for the petitioner submits that the Tribunal has failed to appreciate



that without giving due opportunity, the adverse remarks could not have been recorded.

3. Learned counsel appearing on behalf of respondent Nos.2 to 4 submits that the Tribunal has given the total facts in the order itself regarding the performance of the petitioner and for the said performance, the finding has been recorded by the Tribunal in favour of the adverse remarks hence, the re-appreciation of the said issue at the hands of this Court is not necessary and the writ petition may kindly be dismissed.

4. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that the writing of the ACR is the prerogative of the officer initiating the ACR, which report is to be looked into by the reviewing officer, to be accepted by the competent authority, i.e. the accepting officer. Once the reports have been given in a manner required, which has already been agreed by all the three authorities, the Court will not substitute its opinion to hold that the petitioner was not given the Annual Confidential Report as per her entitlement. Further, the subjective opinion of the authorities, who have watched the performance of the petitioner are best suited to record the ACR and the Court cannot substitute the same with its own opinion at the asking of the officer concerned.

6. In the present case, the Tribunal has given the detail of the marks and the data and performance, which led to the writing of her ACR, which was adverse. The said facts have not been controverted by the petitioner before this Court also. Hence, there exists no reason to differ with the findings recorded by the Tribunal.



7. The other argument raised by the learned counsel for the petitioner is that no notice was given before writing the adverse report. No rule which prescribes that before writing an ACR, an officer is to be heard, has been brought to the notice of this Court. The ACR is to be written on the basis of the performance of an employee, which has been supervised by the initiating authority. Unless and until, any rule prescribes the grant of opportunity to be heard to the employee concerned before writing the ACR, the argument that the employee needs to be heard, cannot be accepted. Further, after the writing of the ACR, an employee has a right to file a representation to the authorities concerned in case he or she is not agreeable to the view taken by the authorities while writing his or her ACR. Once that option exists, no notice is to be given prior to the writing of the ACR in the absence of any such rule.

8. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court. The writ petition is dismissed accordingly.

9. Pending applications, if any, also stand dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

December 03, 2025
harish

Whether speaking/reasoned	Yes
Whether reportable	No