



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

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**CWP-32715-2024**

**Date of Decision: 15.12.2025**

Raj Kumar Sharma

...Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Ms. Shreya Mangla, Advocate for  
Mr. Manish Soni, Advocate  
for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:-

- (i) Remarks recorded in his Annual Confidential Report (ACR) for the period from 01.04.2023 to 09.10.2023;
- (ii) Notice dated 30.09.2024 (Annexure P-13); and
- (iii) Order dated 14.10.2024 whereby he has been ordered to retire w.e.f. 10.01.2025.

2. The petitioner joined Haryana Police Force as Constable on 01.10.1989. He was promoted from time to time. He was adorned with Own Rank Promotion (ORP) to the post of Sub Inspector. Crime Branch, Gurugram while investigating FIR No.2313 dated 02.10.2023 arrested 7 persons including Atul Khatana. Incharge of Crime Branch vide report dated 07.10.2023 intimated DCP Crime that Atul Khatana has disclosed that in 2020 truck of Sandeep alias Bandar was apprehended by CIA Staff

and thereafter released on payment of Rs.10,00,000/- to SHO Raj Kumar and this fact was told to him by Sandeep alias Bandar.

3. Based on aforesaid report, DCP Gurugram placed the petitioner under suspension. Regular departmental inquiry was conducted and he was declared guilty. The Disciplinary Authority issued him show cause notice dated 08.02.2024 proposing punishment of stoppage of 7 future annual increments with permanent effect.

4. The Disciplinary Authority issued him second show cause notice dated 07.08.2024 proposing punishment of dismissal from service. He filed **CWP-20512-2024** before this Court which was allowed vide judgment dated 03.09.2024 and show cause notice dated 07.08.2024 was set aside. Costs of Rs.10,000/- was imposed upon the respondent.

5. There was no adverse entry in his ACR for the period from April' 2013 to March' 2023. The respondent recorded adverse remarks in his ACR for the period from April' 2023 to October' 2023. His integrity was declared doubtful. The adverse remarks in his ACR came to be confirmed by higher authority. On the basis of adverse remarks in the petitioner's ACR, the respondent issued him show cause notice dated 30.09.2024 proposing retirement at the age of 55 years. The respondent passed order dated 14.10.2024 whereby he was ordered to retire w.e.f. 10.01.2025.

6. Learned State counsel during the course of hearing produced photocopy of office file.

7. Learned State counsel submits that competent authority has passed impugned order and while passing impugned order, ACRs of last ten years were considered. As per Government Instructions dated

05.02.2019, if even one ACR is adverse with respect to integrity, the employee cannot be retained beyond 55 years. The petitioner's integrity was recorded doubtful in ACR for the period from 01.04.2023 to 09.10.2023. In view of adverse ACR, he was liable to be retired at the age of 55 years.

8. As per Haryana Government Instructions dated 05.02.2019, service record of last 10 years is considered for the retention of employee beyond 55 years. The employee is required to have at least 70% good ACRs. His integrity should not be doubtful in last 10 years.

9. The impugned order has been passed by Deputy Commissioner of Police, Gurugram. He was Competent Authority to pass the order. He has duly considered ACRs of last 10 years. He has decided not to retain the petitioner beyond 55 years on the ground that petitioner's ACR for the period from 01.04.2023 to 09.10.2023 was doubtful *qua* integrity. As per Government Instructions, an employee cannot be retained beyond 55 years if his integrity was found doubtful during preceding 10 years.

10. The petitioner filed **CWP No. 20512 of 2024** before this Court which was allowed vide judgment dated 03.09.2024. By said judgment, show cause notice dated 07.08.2024 proposing punishment of dismissal from service was set aside. The respondent in September' 2024 recorded adverse entry in the petitioner's ACR for the period from 01.04.2023 to 09.10.2023. Performance of the petitioner as per ACRs of 2014-2015, 2016-2017, 2017-2018, 2018-2019 was 'outstanding' besides 'very good' or 'good' in other years. His integrity was declared doubtful in the ACR of 2023-2024 i.e. last ACR which was considered while

passing impugned order. The adverse entry recorded in ACR for the period from 2023-2024 seems to be outcome of orders passed by this Court whereby show cause notice proposing punishment of dismissal from service was set aside and costs of Rs.10,000/- was imposed upon respondent.

11. By order dated 05.10.2015 passed by this Court in **CWP No.20171 of 2010**, matter with respect to adverse remarks in ACR was referred to Hon'ble the Acting Chief Justice to constitute a Larger Bench to resolve the issue because of divergence of opinion expressed by different Division Benches of this Court.

12. The matter came up for consideration before the Full Bench of this Court which finally adjudicated the issue vide judgment dated 14.08.2024 passed in **CWP No.20171 of 2010**. 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. "*

13. In the case in hand, the respondent recorded adverse remarks in the petitioner's ACR for the period from April' 2023 to October' 2023. The adverse remarks were recorded after setting aside of show cause notice dated 07.08.2024 by this Court and imposition of costs of

Rs.10,000/- upon the respondent. In the light of previous ACRs and order dated 03.09.2024 passed by this Court, it appears that case of petitioner is covered by Full Bench judgment of this Court. Adverse remarks in ACR needs to be ignored for the purpose of determination of question of retention beyond 55 years. The petitioner has already served for one year beyond the age of 55 years. If adverse remarks in ACR are ignored, there is no reason to retire the petitioner at the age of 55 years.

14. In the wake of above discussions and findings, this Court is of the considered opinion that the impugned order of retirement at the age of 55 years deserves to be set aside and accordingly set aside. It is made clear that findings recorded in this order would not affect pending departmental proceedings.

15. ***Allowed*** in the above terms.

(JAGMOHAN BANSAL)  
JUDGE

15.12.2025  
*Prince Chawla*

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |