



W.P.No.722 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.722 of 2016

Ravindra Prasad
Commandant, RTC
Central Reserve Police Force
Avadi, Chennai-600 065.

... Petitioner

vs.

1. The Union of India
Through its Secretary
Ministry of Home, New Delhi
Office at North Block, New Delhi.
2. The Director General,
Central Reserve Police Force
Office at C.G.O. Complex, Lodhi Road
New Delhi – 110 003.
3. The Inspector General (Pers)
Office at Directorate General
Central Reserve Police Force
C.G.O. Complex, Lodhi Road
New Delhi – 110 003.
4. The Deputy Inspector General (Pers)
CRPF, Office at Directorate General,
Central Reserve Police Force
C.G.O. Complex, Lodhi Road,

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New Delhi – 110 003.

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5. The Deputy Inspector General (Principal)
Recruit Training Centre,
Central Reserve Police Force
Avadi, Chennai-600 065.
6. Mr.Rajiv Chowdhary
Commandant 156 Bn
Central Reserve Police Force
Assam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in No.VII-4/2012-Pers-DA-1 dated 22.11.2012 and quash the same and to direct the respondents 1 to 5 to promote the petitioner as Commandant with effect from 25.10.2012 and to pay all monetary benefits.

For Petitioner	:	Mr.K.Sivakumar
For Respondents	:	Mr.M.Maharaja Senior Panel counsel for R1 R2 to R5 – Served – NA R6 – Dismissed vide order dated 16.06.2017



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ORDER

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The challenge in this writ petition is to the decision of the Departmental Promotion Committee (DPC), declaring the petitioner unfit for promotion to the rank of Commandant in the Central Reserve Police Force.

2. The petitioner, while serving as Second-in-Commandant, was imposed with a punishment of displeasure for having remained unauthorisedly absent for a period of ten days. Although the name of the petitioner was included in the panel for promotion to the post of Commandant for the year 2012, his case was not considered on the ground that there was an adverse remark in his Annual Confidential Report (ACR) for the year 2007–2008. The representation submitted by the petitioner was rejected, which necessitated the filing of the present writ petition.

3. The learned counsel for the petitioner submitted that the competent authority had merely conveyed displeasure against the petitioner for the said unauthorised absence and that such displeasure does not amount to a penalty under the applicable service rules. It was contended that the same cannot operate as a bar for consideration for promotion. In support of the said



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submission, reliance was placed on the Office Memorandum dated 07.07.2008 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training. The learned counsel further submitted that the denial of promotion to the petitioner to the post of Commandant from the year 2012 is arbitrary and discriminatory.

4. Per contra, the learned counsel appearing for the first respondent submitted that there was an adverse remark in the ACR of the petitioner for the year 2007–2008 and therefore, the said adverse remark constituted a valid bar for consideration of promotion to the post of Commandant. It was further submitted that the rejection of the petitioner's claim was justified and does not warrant interference by this Court. The learned counsel also contended that adverse remarks cannot ordinarily be interfered with in writ jurisdiction. In support of the said submission, reliance was placed on the judgment of the Delhi High Court dated 07.01.2025 in W.P.(C) No.6498 of 2003 (*Ajit Kumar v. Union of India and another*).



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5. The arguments advanced by the learned counsel on either side and the materials available on record have been duly considered.

6. The Director General, CRPF, by order dated 30.10.2009, held that the acts of omission and commission on the part of the petitioner warranted stern disciplinary action; however, after carefully evaluating all the relevant factors of the case, a lenient view was taken and only displeasure was conveyed to the petitioner. Except for the said adverse remark, there are no other adverse entries against the petitioner.

7. The Office Memorandum dated 07.07.2008 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, clarifies that warnings, letters of caution, reprimands or advisories administered to Government servants do not amount to a penalty and therefore, shall not constitute a bar for consideration for promotion. In the instant case, the displeasure expressed by the competent authority does not amount to imposition of any penalty so as to disentitle the petitioner from being considered for promotion to the post of Commandant.



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8. In the absence of any statutory or administrative bar, the denial of the petitioner's claim for promotion to the post of Commandant solely on the basis of the said adverse remark is illegal, arbitrary and discriminatory. The reliance placed by the learned counsel for the first respondent on the decision of the Delhi High Court in W.P.(C) No.6498 of 2003 is misplaced, as the said judgment holds that an APAR can be interfered with in exercise of powers under Article 226 of the Constitution of India only if it is actuated by malice or is unfounded or arbitrary. In the present case, there is no challenge to the adverse remark itself; rather, the issue pertains to the effect of such remark on promotion in the light of the applicable Office Memorandum. Consequently, the denial of the petitioner's claim for promotion to the rank of Commandant for the year 2012 cannot be sustained and is liable to be quashed.

9. Accordingly, the Writ Petition is allowed. The impugned order dated 22.11.2012 passed by the fourth respondent is hereby quashed. The respondents 1 to 5 are directed to promote the petitioner to the rank of



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Commandant with effect from 25.10.2012, with all attendant benefits, and to revise the seniority list accordingly. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

06.01.2026

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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