



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1913-2020 (O&M)
Date of Decision: 16.02.2026

Hiramani

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Dr. S.K. Redhu, Advocate
for the petitioner

Mr. Ravi Partap Singh, D.A.G, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders whereby she has been ordered to retire upon attaining the age of 55 years.

2. On 12.03.2020, the following order was passed:-

“ Reply in this case had been filed on 05.03.2020. On a query put by this Court, as to whether on being exonerated in three departmental enquiries, the ACR of the period from 25.4.2018 to 16.09.2018 ought to have been upgraded, learned counsel prays for a short accommodation to seek instructions and file a short affidavit.

Adjourned to 23.03.2020.

Till then, status regarding the service of the petitioner shall be maintained.

A copy of this order be given to counsel for the parties under the signatures of Bench Secretary.”



3. Learned counsel for the petitioner submits that petitioner has retired on attaining the age of 58 years. She continued to work in view of interim order dated 12.03.2020 passed by this Court. The respondent recorded adverse remarks in her ACR for the period from 25.04.2018 to 16.09.2018. The adverse remarks were recorded on account of three departmental enquiries. All the enquiries were finally dropped, thus, respondent was bound to upgrade her ACR. The petitioner did not get promotion because of adverse ACRs.

4. *Per contra*, learned State counsel submits that it is factually correct that petitioner continued to work till the age of 58 years on account of interim order passed by this Court. She has retired on 30.11.2022. She was not promoted because three departmental enquiries were pending against her and there was adverse entry in her ACR.

5. Heard the arguments and perused the record.

6. Hon'ble Supreme Court time and again has enunciated that adverse remarks qua integrity recorded in ACR adversely affect future prospects of an employee. Writing of confidential reports is an administrative function. Officers reporting upon performance must show objectivity, impartiality and fair assessment, without any prejudices whatsoever and the highest sense of responsibility so as to inculcate devotion to duty, honesty and integrity. Officers get demoralised by negative ACR which reduces their efficacy and efficiency. Confidential reports are maintained by the government and other organisations to assess the employee's service record at the time of consideration of his case for grant of increments, promotions, retention in service etc. 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.

7. From the perusal of record, it is evident that vide order dated 12.03.2020 passed by this Court, operation of order whereby petitioner was made to retire at the age of 55 years was stayed. On account of interim order, she remained in service till the age of 58 years. She is entitled to all the service benefits on account of continuation in service till the age of 58 years.

8. The petitioner is claiming that adverse remarks recorded in her ACR may be expunged. She did not get promotion on account of adverse ACR. As per WAN message pointed out by learned counsel for the petitioner, the petitioner was not promoted due to three departmental enquiries pending against her. All the enquiries were finally dropped. The Inquiry Officer did not find her guilty and Disciplinary Authority agreed with the report of Inquiry Officer. The grievance of the petitioner is that adverse remarks were recorded in ACR on the basis of three departmental inquiries. She made representation before higher authorities. The higher authority rejected her claim on the ground that adverse remarks were recorded not only on the basis of pending enquiries but also looking into the working and information received by Reporting Officer.

9. The petitioner is claiming that adverse remarks were recorded due to pending inquiries which stand dropped. The authority while passing impugned order has noticed this fact. The authority has noticed report of reporting officer. As per opinion of the reporting authority, the petitioner was



showing gross negligence, carelessness, indiscipline and dereliction in duty. The authority has further held that indiscipline and misconduct are the traits which get reflected in one’s daily routine activities. It is Supervising Authority which knows weakness and strength of its employee. Judicial interference under Article 226 of the Constitution of India is not warranted because there is no misuse of power or *mala fide* on the part of respondent.

10. The petitioner may file representation *qua* promotion as she is claiming that she was denied promotion on account of pending inquiries. If she files such representation, the respondent shall address the same, in accordance with law, within 6 months from the date of filing.

11. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.02.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	