



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3571-2006 (O&M)

STATE OF HARYANA AND OTHERS

..Appellants

Vs.

AZAD SINGH

..Respondent

Reserved on: 06.11.2025

Date of decision: 22.01.2026

Uploaded on: 23.01.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, AAG, Haryana.

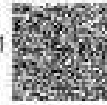
Mr. Karamveer Singh Banyana, Advocate
for respondent.

SUDEEPTI SHARMA, J.

1. The challenge in the present appeal is to the judgment and decree dated 07.06.2006 passed by learned District Judge Karnal, whereby appeal filed by the Appellant-State was partially accepted and judgment and decree dated 19.01.2006 passed by learned Civil Judge, Junior Division, Karnal, whereby, civil suit filed by respondent was decreed in his favour is modified.

Brief facts:-

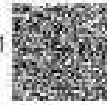
2. Brief facts of the case as per the pleadings in the civil suit are that the appellant was conveyed adverse remarks entered in ACR for the period from 16.05.1992 to 31.03.1993 and 01.04.1993 to 28.08.1993 by Deputy Inspector General, ST/Rohtak Range, Rohtak vide memo



No.438/ST/07.4.95 and 429/ST/07.4.95, respectively. His honesty was assessed doubtful by the reporting officer. Feeling aggrieved by the entries recorded by the reporting officer, he filed representation on 11.06.1995 in the office of DIG, Rohtak Range, Rohtak and the same was rejected vide order dated 31.10.2002 and 30.10.2002. Thereafter, he filed revision petition to DGP of Haryana against the order of DIG Rohtak Range, Rohtak, but it was also rejected vide order dated 13.01.2003. He filed mercy petition before Home Secretary, Haryana, Chandigarh, which was also rejected vide order dated 05.08.2003. He filed civil suit challenging all these orders. The civil suit filed by him was decreed in his favour vide judgment and decree dated 19.01.2006 passed by learned Civil Judge (Junior Division), Karnal. The appellant-State filed appeal against judgment and decree dated 19.01.2006, which was partly allowed by learned District Judge, Karnal vide judgment and decree dated 07.06.2006. Hence, the present regular second appeal.

Submissions of learned counsel for the parties:-

3. Learned counsel for the appellant contends that ACR is a matter of subjective satisfaction of the reporting authority, and the reporting authority has given oral as well as written warning in a case where he deliberately did not execute the bailable warrant issued by this Court and he was issued warning in this regard and the authority further observed that there were complaints of all types against him. Even his reputation and behaviour with the public was reported to be not good. He further contends that Civil Court has no jurisdiction to go into the correctness or otherwise of the remarks recorded in the ACR by the reporting authority.



4. In support of his contentions, he realise upon the following judgments:-

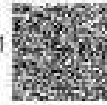
“1. Vijay Parkash Vs. State of Haryana, 2000(1) SCT 1076

2. Kuldip Singh Vs. State of Punjab, 1992(5) SLR 189.”

5. He further contends that it will be difficult, if not impossible, to prove by positive evidence that a particular officer is dishonest but those who have had the opportunity to watch the performance of the said officer closely, knows the nature not only of his performance, but also of his reputation.

6. He further contends that respondent has availed the remedy against the recording of adverse remarks by filing representation, revision, mercy petition before IGP, DGP and Home Secretary, respectively, and the same were rejected. Further that Civil Court has no jurisdiction to expunge the adverse remarks recorded in the ACR unless it is based on malice or ill will of the reporting officer towards the officer commented upon. That neither the appellant has pleaded nor proved before the trial Court that adverse remarks were based upon any malice or ill will. He relies upon judgment passed by this Court in **Regular Second Appeal No.1920 of 1996, titled as State of Punjab and another Vs. Bakhtawar Singh, decided on 25.09.2002.** He, therefore, prays that the present regular second appeal be allowed.

7. Per contra, learned counsel for respondent contends that DW-1 Ram Prakash in his cross-examination has specifically stated that no complaint was received in writing against integrity of the respondent during



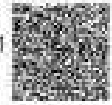
the period involved in the civil suit. He, therefore, prays that the present regular second appeal be dismissed.

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

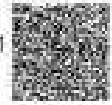
9. A perusal of the record shows that in ACR of respondent for the period from 16.05.1992 to 31.03.1993 conveyed vide Ex.P-1, the column of integrity is shown to be doubtful, and in overall assessment also respondent is reported to be dishonest and inefficient. Further, a perusal of ACR for the period from 01.04.1993 to 28.08.1993 conveyed vide letter Ex.P-2 also shows that integrity is shown to be doubtful against the column of overall assessment. It is reported that due to dishonest intention there were complaints of all types against him.

9. The relevant portion of judgment and decree dated 07.06.2006 passed by learned District Judge Karnal, is reproduced as under:-

“The superintendent of the Police or the Deputy Inspector General of Police are the best persons to report whether an Assistant Sub Inspector exhibits any interest in investigative and preventive measures and whether he is trustworthy or not. Further they are the best persons to know about the reputation of an Assistant Sub Inspector and about his behavior with the public. In such type of matters. It is practically not possible for an officer to collect the evidence and serve memos upon the erring officials. It is a matter of common experience that a common man is scared of making even an oral complaint what to say of a written complaint against a police official. If a person dares to file a criminal complaint against a police official, he has to pass through several ordeals. He is not allowed to reach the court in time and

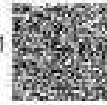


all types of pressure techniques are employed to silence him. Even the court officials who go to execute the coercive process against the police officials are not spared. Some of the police officials consider law unto themselves. Even their superiors avoid to reveal the defects of Junior officials for one reason or the other. In such a scenario, If a reporting officer had the guts to write adverse remarks in respect of the reputation, behaviour, capability and interest in latest investigative techniques of the plaintiff, those remarks can not be brushed aside on the ground that no warning in writing was given to him prior to the recording of adverse remarks. In Dharam Singh vs. State of Haryana (supra) our own Hon'ble High Court held that the court can not go into the correctness of a confidential report and the only remedy available to an official is to file representation under the rules/instructions. Further in K.L.Agarwal Vs. H.S.E.B. and other (supra) our own Hon'ble High Court observed that recording of Annual confidential report is the subjective satisfaction of the reporting officer unless it is inherently and arbitrary written with a malafide intention or with extraneous reasons the same can not be set aside.. I the instant case, a perusal of the statement of pwl Azad Singh plaintiff shows that Sh. V.N.Rai, IPS who recorded his disputed annual confidential reports had no personal enmity with him. In other words, the remarks in the annual confidential reports were not the result of malafide or prejudice on the part of the reporting officer. At this juncture, it may also be mentioned that vide order dated 11.12.1992 copy of which is Ex.D15 the plaintiff was censured because he did not execute non bailable warrants issued by the Hon'ble High Court. It is also significant to note that the plaintiff was also conveyed



adverse remarks for the period from 25.8.1993 to 31.3.1994 and the copy of letter Ex.D3 shows that the adverse entry regarding his integrity was expunged but in respect of other aspects his performance was considered to be ordinary. It was found that the plaintiff was an average N.G.O. who had lesser knowledge of investigation and used to discriminate with the accused. Hence, I am of the considered opinion that the findings of the learned Civil Judge can be affirmed only to this extent that the adverse entries in the disputed annual confidential reports of the plaintiff relating to integrity and honesty are liable to be set aside. However, I am of the view that there is no sufficient material on the file to infer that the assess the credibility and reporting officer did not correctly reputation of the plaintiff about his behaviour with the public, his investigative capability and his interest in the modern techniques of the investigation. Consequently, the findings of the learned Civil Judge on issue no.1 are modified to the extent mentioned above. It is held that the impugned adverse remarks for the period from 16.5.1992 to 31.3.1993 and 1.4.1993 to 24.8.1993 conveyed to the plaintiff by Deputy Inspector General of Police Rohtak range Rohtak in respect of his integrity and honesty and about his reduction in rank and departmental enquiry are illegal, against the natural justice arbitrary and are liable to be set aside. However, there is no cogent definite and concrete evidence to hold that the remarks of the reporting authority on the other aspects are also liable to be expunged.”

10. A perusal of above shows that learned First Appellate Court on the one hand has expunged the adverse remarks regarding integrity, whereas on the other hand he has observed that Superintendent of the Police or the

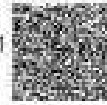


Deputy Inspector General of Police are the best persons to report whether an Assistant Sub Inspector exhibits any interest in investigative and preventive measures and whether he is trustworthy or not. Further they are the best persons to know about the reputation of an Assistant Sub Inspector and about his behavior with the public. In such type of matters, it is practically not possible for an officer to collect the evidence and serve memos upon the erring officials. Further that that if a reporting officer had the guts to write adverse remarks in respect of the reputation, behaviour, capability and interest in latest investigative techniques of the plaintiff, those remarks can not be brushed aside on the ground that no warning in writing was given to him prior to the recording of adverse remarks.

11. Therefore, the finding given by the learned District Judge, Karnal is self-contradictory and deserves to be set aside.

12. Hon'ble Supreme Court in **M.V. Thimmaiah and others Vs. Union Public Service Commissioner and others, 2008(1) SCT 569**, has held that normally the ACRs/assessment of the officers cannot be made subject of Courts or Tribunals scrutiny unless actuated by mala fide intention, malice or ill will of the reporting officer against him.

13. This Court in **RSA-353-2023, titled as 'ASI Rupesh Kumar Vs. Haryana State and others', decided on 31.10.2025** has held that the Court cannot interfere with the exercise of administrative jurisdiction of reporting officer unless appellant succeeds in proving that the exercise of administrative power by reporting officer is vitiated by malafide or prejudice against him.



14. And, in the present case, there is nothing on record to show that the respondent has pleaded or alleged any malafide intention, malice or ill will.

15. In view of the same, the present appeal is **allowed**. Judgment and decree dated 07.06.2006 is set aside to the extent of partly rejecting the appeal filed by the appellant-State. Accordingly, the civil suit filed by the respondent is dismissed.

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

22.01.2026

Ayub/Saahil

**(SUDEEPTI SHARMA)
JUDGE**

*Whether Speaking : Yes/No
Whether Reportable : Yes/No*