
(2012) 01 P&H CK 0276
In the Punjab And Haryana At Chandigarh
Case No : LPA No. 1763 of 2011 (O and M)

H.C. Kulbir Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 31-01-2012

Acts Referred:

Citation : (2012) 01 P&H CK 0276

Hon'ble Judges : M.M. Kumar, J;Ajay Kumar Mittal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The appellant has approached this Court by filing writ petition relatable to the instant appeal with a prayer for quashing order dated 26.5.2004 (P.1) conveying adverse remarks recorded in the Annual Confidential Remarks (ACR) for the period 1.4.2003 to 25.7.2003. A further prayer was also made for quashing order dated 30.9.2004 (P.3) rejecting his representation against adverse remarks and the order passed in appeal on 14.3.2005 (P.5) passed by the Appellate Authority. The learned Single Judge did not feel persuaded with the argument that adverse remarks were totally without any basis and that once the appellant has been exonerated in the regular Departmental Enquiry then the adverse remarks in the ACR should be quashed. According to the ACR, the integrity of the appellant was found to be doubtful and he was regarded as unreliable police officer. It was also mentioned that he was facing a regular departmental enquiry for exerting undue pressure on public for ulterior motive. The mere fact that he was exonerated in the departmental enquiry would not result into a conclusion that there is factual error in the general remarks or that his integrity was not doubtful. A three tier process provides for initiating report, review by the reviewing authority and appeal is heard by the appellate authority which is sufficient safeguard against any arbitrary remarks. Accordingly, the learned Single Judge has dismissed the petition and upheld the impugned order.

2. We have heard the learned counsel for the parties at some length and are of

the view that ACR always reflect the overall assessment of the officer. It is objective assessment on the basis of subjective satisfaction of the initiating authority, reviewing authority and the appellate authority. There are no allegations of mala-fide against any one. This appeal under Clause X of the Letters Patent is wholly without merit and does not warrant admission. Dismissed.