
(2008) 01 P&H CK 0085
In the Punjab And Haryana At Chandigarh

H.C. Ram Niwas

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 22-01-2008

Acts Referred:

Citation : (2008) 01 P&H CK 0085

Hon'ble Judges : Jaswant Singh, J; Jasbir Singh, J

Bench : Division Bench

Judgement

Jasbir Singh, J.—By filing this writ petition, petitioner prays that the order dated 5.8.2006 (Annexure P-5) vide which he was reverted from the post of ASI to that of Head Constable be quashed.

It is apparent from the record that for the period 16.5.1992 to 31.3.1993 following adverse remarks were entered in the annual confidential report of the petitioner:

Integrity Doubtful Reliability Un-reliable General Given to conniving with anti Remarks socials for extorting money. Also used to harassing general public for the same end.

2. The above said remarks were communicated to the petitioner and he availed all the remedies available to him under the rules, to get those remarks expunged but remained unsuccessful. Thereafter in the year 2000, he made second representation to the then Director General of Police, Haryana who without any jurisdiction accepted the same and ordered that adverse remarks be expunged. On that very day, petitioner was promoted to the post of ASI.

3. When this fact came to the notice of the successor Officer, show-cause notice was issued to the petitioner to withdraw the order passed on 11.7.2000 on the ground that the same was passed without any jurisdiction. After getting reply from the petitioner, order expunging remarks was withdrawn vide order dated 28.4.2006.

4. Petitioner came to this Court by filing C.W.P. No. 8356 of 2006 which was decided on 26.5.2006 by a Division Bench of this Court. Order dated 28.4.2006 was upheld by holding that the order dated 11.7.2000, expunging adverse remarks from the confidential report of the petitioner, was illegal and consequently that order was set aside. As a consequence of reconstruction of the adverse remarks, show cause notice was issued to the petitioner to revert him to the post of Head Constable. After getting his objection, which were found to be unsatisfactory, impugned order (Annexure P-5) was passed.

5. Petitioner again has filed this writ petition laying challenge to the reversion order on the ground that he be shown leniency in view of instructions Annexure P-6, which provides that after 10 years, for clearing Efficiency Bar, leniency be shown to a government employee even if adverse remarks exist in his record. We feel that in view of the facts and circumstances of this case, petitioner is not entitled to get any benefit of those instructions. Once order dated 28.4.2006, ordering reconstruction of the adverse remarks has become final, reversion of the petitioner was a consequence which cannot be stopped taking notice of instructions (Annexure P-6). If adverse remarks had not been ordered to be expunged, the petitioner was not eligible for promotion. For the relevant period his integrity was shown doubtful and it was further said that he was unreliable. It was also recorded that he is in the habit of extorting money, by harassing the general public. In the face of the adverse remarks referred to above, we feel that the petitioner was not entitled to get any promotion in the year 2000. We find no reason to interfere with the impugned order.

6. Dismissed.

7. We make it clear that the order passed by us shall not stand in the way of the petitioner to get promotion as per rules, in future.