
(2013) 07 P&H CK 0551
In the Punjab And Haryana At Chandigarh
Case No : C.W.P No. 1008 of 1992 (O and M)

Ishwar Singh (dead) through L.Rs

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 01-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0551

Hon'ble Judges : Ajay Tewari, J

Bench : Single Bench

Advocate : Nitin Rathee, for the Appellant; Kirti Singh, DAG Haryana for respondents No. 1 to 3 and None, for the Respondent

Final Decision : Dismissed

Judgement

Ajay Tewari, J.—By this writ petition, the petitioner (since deceased now represented through his L.Rs) challenged the action of the official respondents in not promoting him to the post of Inspector from the date when respondent No. 4 was brought on "F" list and promoted as Inspector in Government Railway Police Haryana. Brief facts are that Ishwar Singh (since deceased) joined the police service as Constable in the Government Railway Police Haryana on 15.7.1963. He was promoted as Head Constable in the year 1967, Assistant Sub Inspector in the year 1981 and Sub Inspector on 12.9.1984. For the period 13.7.1984 to 31.3.1985, he was given adverse remarks in his ACR regarding honesty by his reporting Officer viz respondent No. 3. On 14.10.1987, he filed a representation against the said adverse remarks to the then respondent No. 3 who, by order dated 14.1.1988 (Annexure P-3) accepted the same and expunged the adverse remarks. Thereafter, the petitioner represented for his promotion with effect from the date respondent No. 4, his immediate junior, was promoted. Having got no reply, he filed the instant writ petition.

2. In the written statement, respondent No. 2-Director General of Police, Haryana took the stand that the representation of the petitioner against the adverse remarks suffered from gross delay inasmuch as he had filed the same

two years after the ACR in question was communicated to him. Additionally, it was pleaded that as per the government instructions, the said representation could not have been made to the Officer who had recorded the adverse remarks but had to be made to the higher authority. Since respondent No. 2 found the expunction of adverse remarks illegal on both these grounds, he set aside the said order and directed restoration of adverse remarks. Consequently, the action of the official respondents in not promoting Ishwar Singh was sought to be defended.

3. These facts have not been denied by counsel for the petitioner. In these circumstances, no fault can be found with the action of the official respondents. Consequently, this writ petition is dismissed with no order as to costs.