
(2014) 05 P&H CK 0367
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 9433 of 2014

Kuldip Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 26-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0367

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Parminder Singh, Advocate for the Appellant

Judgement

Augustine George Masih, J.—Petitioner has approached this Court with a grievance that the representation/appeal preferred by him against the adverse remarks recorded in the Annual Confidential Report for the period 07.05.2012 to 03.09.2012 has been rejected on the ground of delay.

2. Counsel for the petitioner contends that earlier the petitioner had approached this Court by filing CWP No. 19791 of 2011 titled as Chandeshwar and another vs. State of Haryana and others, which was dismissed by this Court vide order dated 16.11.2011 (Annexure P-1) by directing supervision of the Enquiry Officer. The departmental enquiry initiated against the petitioner has been finalized vide order dated 04.06.2013 (Annexure P-2), wherein the petitioner has been exonerated of the charges. The adverse remarks in the Annual Confidential Report for the period 01.04.2010 to 24.12.2010 stand expunged on 09.07.2013 by the Inspector General of Police. Petitioner, after the decision of the departmental enquiry initiated against him which was pertaining to the period in question, submitted a representation against the Annual Confidential Report for the period 07.05.2012 to 03.09.2012, which has been rejected vide order dated 30.11.2013 only on the point of delay. He contends that the petitioner had been awaiting the outcome of the departmental enquiry, which was initiated against him and on his exoneration, approached the Inspector General of Police through a representation for expunging of adverse remarks recorded against him. The

said representation of the petitioner has been rejected on the ground of delay alone being time barred.

3. Counsel for the petitioner states that the petitioner, at this stage, would be satisfied if a direction is issued to the Inspector General of Police, Karnal Range, Karnal-respondent No. 2 to consider and decide the representation of the petitioner against the adverse Annual Confidential Report for the period 07.05.2012 to 03.09.2012 on merits.

4. Notice of motion.

5. On the asking of the Court, Mr. Sunil Nehra, Sr. DAG, Haryana, accepts notice on behalf of the respondents.

6. Considering the submissions made by the counsel for the petitioner and on going through the records of the case, I am of the considered view that the representation of the petitioner against the adverse remarks recorded in the Annual Confidential Report for the period 07.05.2012 to 03.09.2012 deserves to be considered on merits and decided as the petitioner has been able to put forth a reasonable explanation for approaching the competent authority after a delay of the period permissible under the Instructions/Rules.

7. In view of the above, order dated 30.11.2013 (Annexure P-5) is set aside with a direction to the Inspector General of Police, Karnal Range, Karnal-respondent No. 2 to consider and decide the representation of the petitioner dated 11.10.2013 (Annexure P-4) on merits within a period of four months" from the date of receipt of certified copy of the order and convey orders to the petitioner forthwith.