



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

CWP-4063-2001 (O&M)

Date of Decision:08.10.2025

SATISH MOHAN

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kartikey Chaudhary, Advocate for
Mr. Samrat Malik, Advocate for the petitioner

Mr. Ravi Partap Singh, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 20.05.2000 passed by Inspector General of Police and order dated 27.01.2001 passed by Director General of Police whereby his representation against adverse remarks recorded in ACR for the period from April' 1993 and March' 1994 was rejected.

2. The respondent recorded adverse remarks in the ACR of the petitioner for the period from April' 1993 to March' 1994 as petitioner was found involved in a criminal case registered under Section 7 of Prevention of Corruption Act, 1988 Act. The petitioner was acquitted in the criminal case. He was reinstated and his suspension period was considered as duty period. He filed representations against adverse remarks recorded in ACR. The higher authorities rejected his representation.

3. Learned State counsel submits that petitioner retired on 10.11.2006 on attaining the age of superannuation. The authorities recorded adverse remarks in the ACR as per available information.

4. Scope of interference in ACR matters is very limited. An Authority is best judge of subordinate's strength and weakness. In the absence of material irregularity, the Court cannot substitute opinion of the authorities.

5. In **CWP No.20171 of 2010** titled as '**Dharamvir Singh v. State of Haryana and others**', Full Bench of this Court considered question of adverse remarks recorded in the ACR. The Full Bench adjudicated the issue vide judgment dated 14.08.2024. The relevant extracts of the judgment are reproduced as below:-

“22. After considering the entire gamut of law we are of the opinion that writing of confidential reports is in public interest. It is the periodic assessment by the superior officer of the work done by his subordinate. The primary object of writing of confidential reports is to give an opportunity to the public servant to improve excellence. This is in furtherance of Article 51-A(j) of the Indian Constitution as per which upon every citizen is the primary duty to constantly endeavour to prove his best, individually and collectively. Confidential reports are also maintained by the government and other organizations to assess the employee's service record at the time of consideration of his case for grant of increments, promotions, retention in service etc.

23. Writing of confidential reports is an administrative function. It should be done objectively and fairly. Subject to the confidential report being a bonafide opinion of the reporting officer and not based on his whims, the Courts

would normally refrain to interfere with the recording thereof. The reason for such reluctance is because the officer who is entrusted with the duty of writing confidential reports is best suited for this job as it is he under whose watch is the officer whose confidential report is being written.

24. Recording of confidential reports is not a penalty but these reports and in particular entries doubting the employee's integrity would certainly prejudice the employee's career. Even a solitary entry of doubtful integrity in the employee's confidential reports can propel his ouster from service. It could also adversely impact the grant to him of increments, promotions etc. Thus, recording of the entry with regard to doubting the employee's integrity must be only after the employee's work and conduct has been assessed objectively and dispassionately. To hold otherwise could invite mischief. Such an entry should not be based on the reporting officer's mere notion or supposition or assumption. The entry of doubting of his subordinate's integrity to be recorded in his ACR should be such which would be acceptable by a reasonable man on the given material. In these cases "material" may or may not be limited to written complaints or tangible evidence as many a times such evidence is not easily forthcoming. "Material" on which confidential reports of such nature can be based could be substance, matter, data, information etc. Repeated verbal complaints or even discreet enquiries conducted qua the concerned officer or even receipt of information from a reliable source would constitute "material" leading to doubting of his integrity. There may also be instances where an entry of doubtful integrity could be based on the overall bad reputation of the employee over a prolonged period of time as such an officer would not become suddenly dishonest. In this regard there may not be found any tangible material against the employee but in these

circumstances bona fide recording of an entry doubting his integrity which is based on information from reliable source(s) could be upheld when put under judicial scrutiny. One of the reasons behind holding so is because it is not uncommon that the corrupt are clever enough not to leave any tangible trace of their wrong doings. In these peculiar circumstances, in public interest, even in the absence of concrete or material evidence bona fide doubting of the employee's integrity based on information received from different but reliable sources would be sustainable. However, in such circumstances, while recording/ approving adverse entries of doubtful integrity the reporting and/ or the approving officer has to exercise extreme caution. In a given case, the Court, while exercising judicial scrutiny may still quash the adverse entry pertaining to doubting of the employee's integrity if it finds that the same is based on "no material whatsoever" but while doing so the Court would also exercise caution and keep in mind the nature of the function being discharged by the employee concerned and the nature of the exercise undertaken by his reporting officer at the time of recording the ACR in question."

6. In the wake of afore-cited factual position and judgment, this Court does not find it appropriate to interfere with remarks recorded by Authority in the ACR of the petitioner. The petition deserves to be dismissed and accordingly dismissed.

7. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

October 08, 2025

Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No