

ITEM NO.106

COURT NO.11

SECTION IV

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Civil Appeal No. 3499/2006

PUNJAB & HARYANA HIGH COURT TH.REGISTRAR

Appellant(s)

VERSUS

CHANDER HASS

Respondent(s)

Date : 09/07/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE M.Y. EQBAL

For Appellant(s)

Mr. Rahul Gupta, Adv.

For Respondent(s)

Mr. Anil Shrivastav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[SNEH LATA SHARMA]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

Signature Not Verified

Digitally signed by
Vinod Lakhina
Date: 2014.07.11
17:07:50 IST
Reason:

1

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3499 OF 2006

PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH THROUGH ITS
REGISTRAR

...APPELLANT

VERSUS

CHANDER HASS

...RESPONDENT

ORDER

This appeal seeks to challenge the Order dated 27th October, 2005 passed by the High Court of Punjab and Haryana at Chandigarh in a writ proceeding instituted by the respondent herein challenging the adverse remarks in his Annual Confidential Reports ("ACRs" for short) for the year 1999-2000 wherein it has been recorded that the integrity of the respondent is doubtful. The High Court by the impugned order had interfered with the aforesaid adverse remarks in the ACRs of the appellant and directed the Registrar of the High Court of Punjab and Haryana to put up the matter before Hon'ble the Chief Justice for being placed before the Full Court for reconsideration.

2

We have heard Mr. Rahul Gupta, learned counsel for the appellant as also Mr. Anil Shrivastav, learned counsel for the respondent.

The direction issued by the High Court in the writ proceeding requires reconsideration of the matter by the Full Court on the Administrative Side. Eventually, it is for the Full Court to decide the matter after taking into account all such relevant facts and circumstances as may be placed before it. In the order under challenge, it has been found that subsequent reports of the respondent upto the year 2004-2005 has been generally "without blemish". Materials have been laid before us (I.A.No.2 of 2014) to

show that even subsequent to 2004-2005, the ACR remarks of the respondent has been consistently 'good'.

3

In view of the above facts, we are reluctant to cause any interference with the order dated 27th October, 2005 passed by the High Court of Punjab and Haryana at Chandigarh in Writ Petition No.840 of 2005. We, therefore, dismiss the appeal while making it clear that the Full Court, on the Administrative side, would be free to take such decision in the matter as it considers appropriate. We also make it clear that we should not be understood to have expressed any opinion on the merit of the officer i.e. the respondent in the present appeal.

Consequently, the appeal shall stand dismissed in terms of the above. No costs.

.....,J.
(RANJAN GOGOI)

.....,J.
(M.Y. EQBAL)

NEW DELHI
JULY 09, 2014