

Lakhi Ram vs State Of Haryana And Ors. on 18 February, 1981

Equivalent citations: AIR1981SC1655, [1981(43)FLR296], (1981)2SCC674, 1981(2)SLJ408(SC), AIR 1981 SUPREME COURT 1655, 1981 LAB. I. C. 1116, (1981) 2 LAB LN 497, 1981 SCC (L&S) 438, 1981 (2) SCC 674, (1981) 2 SERVLJ 408

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Bench: P.N. Bhagwati, V.D. Tulzapurkar

ORDER

P.N. Bhagwati, J.

1. The only ground on which the writ petition filed by the appellant has been dismissed by the High Court is that the appellant has no locus stand to maintain the writ petition. The appellant filed the writ petition challenging the action of the Government expunging the adverse remarks made in the annual confidential report of respondent No. 6. The High Court took the view that the appellant was not entitled to complain against the expungement of adverse remarks made in the confidential report of another officer. But this view is, in our opinion, erroneous because the effect of expungement of adverse remarks in the confidential report of respondent No. 6 is to prejudice the chances of promotion of the appellant and if the appellant is able to show that the expungement of the remarks was illegal and invalid, the adverse remarks would continue to remain in the confidential report of respondent No. 6 and that would improve the chances of promotion of the appellant vis-a-vis respondent No. 6. The appellant was, therefore, clearly entitled to show that the Government acted beyond the scope of its power in expunging the adverse remarks in the confidential report of respondent No. 6 and that the expungement of the adverse remarks should be cancelled. The appellant had, in the circumstances, locus stand to maintain the writ petition and the High Court was in error in rejecting it on the ground that the appellant was not entitled to maintain the writ petition.

2. This was the reason why we allowed the appeal and, setting aside the Order of dismissal passed by the High Court, remanded the writ petition to the High Court for disposal on merits.