

Supreme Court of India

Swatantar Singh vs State Of Haryana & Ors on 3 March, 1997

Bench: K. Ramaswamy, G.T. Nanavati

PETITIONER:

SWATANTAR SINGH

Vs.

RESPONDENT:

STATE OF HARYANA & ORS.

DATE OF JUDGMENT: 03/03/1997

BENCH:

K. RAMASWAMY, G.T. NANAVALI

ACT:

HEADNOTE:

JUDGMENT:

O R D E R This special leave petition arises from the judgment of the Division Bench of the High Court of Punjab & Haryana. made on October 7, 1996 in CWP No.15698/96.

The admitted facts are that while the petitioner was working as a Sub-Inspector of Police in Faridabad District in Gurgaon Range, adverse entries were made in his confidential report for the period from April 25, 1994 to March 31, 1995. The same came to be communicated to him by the Superintendent of Police, Faridabad on August 2, 1995. The representation made by the petitioner was rejected by the Deputy Inspector General of Police by proceedings dated December 21, 1995. His further representation was rejected by the Director General of Police in his letter dated May 13, 1996. It was stated therein that there was no provision for second representation. When the petitioner moved the High Court under Article 226, the writ petition was dismissed.

The entries made by the Superintendent of Police were as under:

- |                    |   |  |
|--------------------|---|--|
| 1. Honesty         | : | Report of corruption                             |
| 2. Reliability     | : | Unreliable                                       |
| 3. Defects         | : | For improving, called several times and advised. |
| 4. General Remarks | : | Can become a good police officer if he           |

can control corruption  
and temptation."

The contention of Shri Rambir Yadav, learned counsel for the petitioner, is that the High Court has wrongly dismissed the writ petition in view of the settled legal position that if the adverse remarks impinge upon the career petitioner, the representation made to the higher authorities requires consideration and that rejection thereof must be supported by reasons. The remarks made by the Superintendent of Police are vague and without any particulars and, therefore, the rejection of the second representation is unjust and unfair to the petitioner and is also arbitrary.

We find no force in the contention. It is true that in view of the settled legal position, the object of a Government servant and communication of the adverse remarks is to afford an opportunity to the concerned officer to make amends to his remiss; to reform himself; to mend his conduct and to be disciplined, to mend his conduct and to be disciplined, to do hardwork, to bring home his lapse in his integrity and character so that he corrects himself and improves the efficiency in public service. The entries, therefore, require an objective assessment of the work and conduct of a Government servant reflecting as accurately as possible his sagging inefficiency and incompetency. The defects and deficiencies brought home to the officer, are means to the end of correcting himself and to show improvement towards excellence. The confidential report, therefore, would contain the assessment of the work, devotion to duty and integrity of the officer concerned. The aforesaid entries indicate and reflect that the Superintendent of Police had assessed the reputation of the officer, his honesty, reliability and general reputation gathered around the officer's Performance of the duty and shortfalls in that behalf.

It is sad but a bitter reality that corruption is corroding, like cancerous lymph nodes, the vital veins of the body politics, social fabric of efficiency in the public service and demoralising the honest officers. The efficiency in public service would improve only when the public servant devotes his sincere attention and does the duty diligently, truthfully, honestly and devotes himself assiduously to the performance of the duties of his post. The reputation of corrupt would gather thick and unchaseable clouds around the conduct of the officer and gain notoreity much faster than the smoke. Sometimes, there may not be concrete or material evidence to make it part of the record. It would, therefore, may be impracticable for the reporting officer of the competent controlling officer writhing the confidential report to give specific instances of shortfalls, supported by evidence, like the remarks made by the Superintendent of Police. More often, the corrupt officer manipulates in such a way and leaves no traceable evidence to be made part of the record for being cited as specific instance. It would, thus, appear that the order does not contain or the officer writing the report could not give particulars of the corrupt activities of the petitioner. He honestly assessed that the petitioner would prove himself efficient officer, provided he controls his temptation for corruption. That would clearly indicate the fallibility of the petitioner, vis-a- vis the alleged acts of corruption. Under these circumstances, it cannot be said that the remarks made in the confidential report are vague without any particulars and, therefore, cannot be sustained. It is seen that the officers made the remarks on the basis of the reputation of the petitioner. It was, therefore, for him to improve his conduct, prove honesty and integrity in future in which event, obviously, the authority for the subsequent period. The appellate authority duly considered and rejected the contention of the petitioner. Repeated representation could render little service. Rejection, therefore, is neither

arbitrary nor illegal.

The special leave petition, therefore, does not warrant interference. It is accordingly dismissed.