

A judicious/quasi-judicious approach is supposed to be required on the part of the employer while recording sensitive remarks against the column of integrity, efficiency and honesty.

“9.....A glance at Exhibit D8 and D9 would show that in the columns of ‘Defect, if any’ the only remark is that the plaintiff required improvement in handwriting and the column of “Defect, if any” relating to the ACR for the year 1982-83 is silent. If the above three relevant ACRs are scrutinized in the light of the instructions, there is no hesitation on the part of this Court to hold that there was practically no complaint of dishonesty or corruption against the plaintiff and his honesty could not be doubted so as to deprive him of the benefit of selection grade and for consideration of his case for promotion. No doubt promotion cannot be claimed as a matter of right and the releasing of selection grade is not an automatic right which vests in the employee, but equally it is true that a judicious/quasi-judicious approach is supposed to be required on the part of the employer while recording sensitive remarks against the column of integrity, efficiency and honesty. The plaintiff was rated just average in the matter of work and honesty in the years 1980-81 (ExhibitD8) and 1981-82 (Exhibit.D9) and the word ‘Just Average’ have to be rated and understood distinctly from the words ‘Below Average’ and ‘Integrity Doubtful’. Even these remarks ‘Just Average/Average’ have not been awarded in the light of the instructions of the Government itself. The only ACR (Ex.D7) for the period 1.4.1971 to 31.3.1972 cannot be availed of by the State because against the column of Honesty it has been mentioned “Although no specific instance, his reputation is not upto the mark”. No basis has been disclosed while commenting upon the reputation of the employee. Such stale and unfounded ACRs could not stand in the way of the plaintiff or the determination of his case for the release of the selection grade and for consideration for promotion.”

State of Haryana V. Prem Parkash Gupta, ADA, Kurukshetra, 05.07.1996 passed by this Court in RSA No. 1664 of 1989 (P&H)