

Lakhi Ram

Vs

State of Haryana and Others

Civil Appeal No. 84 of 1980

(P.N. Bhagwati, V.D. Tulzapurkar JJ)

18.02.1981

ORDER

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 standi 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 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 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 the adverse remarks was illegal and invalid, the adverse remarks would continue to remain in the confidential report of respondent 6 and that would improve the chances of promotion of the appellant vis-a-vis respondent 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 6 and that the expungement of the adverse remarks should be canceled. The appellant had, in the circumstances, locus standi to maintain the writ petition and the High Court was in error in rejecting in one 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.

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