

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.1590 of 2015(O&M)

Date of decision:22.12.2015

Jawahar Singh

....Appellant

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. R.K. Handa, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 24.12.2014 whereby the challenge to an order of the compulsory retirement of the appellant remained unsuccessful in a writ petition.

The appellant was appointed as Constable on 14.01.1982. He was promoted as Head Constable on 13.02.1992. It was on 30.06.2011, the appellant was compulsorily retired after serving show cause notice and considering the reply filed by him. In the impugned order, the competent authority has taken into consideration two Annual Confidential Reports (for short 'ACR') i.e. for the period April, 1995 to September, 1995 and from 01.04.2007 to 09.07.2007 as well as six punishments awarded to him including four of Censure; one of stoppage of two annual increments with permanent effect and one order of warning. One of the Censure is for

remaining absent from the General Roll Call and for not taking interest in investigation in four different cases.

Learned counsel for the appellant has vehemently argued that the ACR for the period 01.04.2007 to 09.07.2007 have been declared illegal by the Civil Court and in the absence of such report, there is not enough material to order compulsory retirement of the appellant. It is contended that most of the punishments taken into consideration by the competent authority are of Censure/warning which cannot be taken into consideration as these are not punishments contemplated in punishment as defined under Rule 16.1 of Punjab Police Rules, 1934 as applicable in the State of Haryana. It is also contended that the orders of Censure/warning are of the remote past and therefore not relevant for considering the case of compulsory retirement of an employee.

We have heard learned counsel for the appellant and find no merit in the present appeal. Even in the absence of the ACR for the period 01.04.2007 to 09.07.2007, we find that the conduct of the appellant is not the one which warrants that he should not be compulsorily retired. The ACR for the period April, 1995 to September, 1995 records that the appellant is a below average Head Constable; moral character is not good and reliability is unreliable. In respect of integrity, the report was 'not complaint received and departmental enquiry was initiated'. The discipline is also said to be not good. In these circumstances and the fact that the appellant was inflicted punishment of stoppage of two annual increments with permanent effect apart from numerous Censures/warning shows that over-all conduct of the appellant was not of becoming a good officer, whose retention would advance the public interest.

In view thereof, we do not find any error in the order passed by learned Single Bench which may warrant interference in the present intra-Court appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

DECEMBER 22, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE