

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

RSA No.3355 of 2015
Date of decision : 03.12.2015

Kiran Kumar

...Appellant

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Vijay Kumar Chaudhary, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of fact, whereby the suit seeking declaration to the effect that notice dated 05.08.2008 retiring him from service be declared illegal, null and void and unconstitutional vide which he had been retired from the service, has been dismissed by both the Courts below.

Learned counsel appearing on behalf of appellant submits, that he has been removed from the service on the basis of adverse entry for the year 1998-1999 with regard to the integrity, doubtful and against that appeal was filed which was also dismissed. As per his view, the solitary entry in the ACR vis-a-vis integrity may not be a ground for retiring compulsorily an

employee from service beyond the period of 55 years, in essence, the respondent did not take the appropriate procedure to retain the appellant-plaintiff beyond the age of 55 years and thus submits that there is illegality and perversity, much less, substantial question of law arises for determination.

I have heard learned counsel for the appellant and appraised the paper book.

It is a matter of record that ACRs of appellant-plaintiff vis-a-vis for the year 1991-1992, 1992-1993, 1994-1995 were also not found to be good and his integrity were recorded to be doubtful as he was involved in number of cases with regard to the fraud and embezzlement. Taking into account the entire past record, the competent authority decided to retire him from service.

The plea, that as per the Circular dated 13.05.2005, it is Secretary Transport who was the Appointing Authority and, therefore, General Manager cannot have the authority/jurisdiction to issue notice, I am afraid is not sustainable for the reasons that in the instant case, the appellant-plaintiff was appointed by the General Manager.

Both the Courts below rendered finding against the appellant on the basis of oral and documentary evidence.

I do not intend to differ with the findings rendered by both the Courts below.

Appeal is dismissed.

03.12.2015

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**(AMIT RAWAL)
JUDGE**