

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

Date of decision: 02.08.2016

CWP No.18787 of 1995

Bhoop Singh Verma

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Monika Thakur, Advocate, for the petitioner.

Ms. Shruti Jain Goel, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

A perusal of the service record of the petitioner for the relevant period 1984-85 to 31.03.1994 reveals that there were seven 'Average' entries in the confidential rolls, as against five 'Good'. The second last of which was from the date of consideration when the order of compulsory retirement was passed in 1995, an 'Average' grading. At the time of action taken, the petitioner was involved in a criminal case i.e. FIR No.9 dated 01.07.1993 registered under the Prevention of Corruption Act, 1988 on the complaint of Deputy Commissioner of the district. After investigation in the said case, the petitioner was discharged and reinstated into service. It is, thereafter, that the impugned order was passed on 27.11.1995.

Ms. Shruti Jain Goel points out that on the date when the compulsory retirement order was passed, the petitioner had crossed the age of 56 years. If the Government was of the view that the petitioner had become dead-wood and was of no further continued use to public service

and took action under Rule 3.26(d) of the Punjab Civil Services Rules, Volume I, Part I, as applicable to the employees of the State of Haryana, then it cannot be said that the petitioner has been dealt with arbitrarily, excessively or in a discriminatory manner given the past record to his credit or discredit. No substantial injustice has been done to him by the order of compulsory retirement which is not a punishment and preserves the right to pension.

It is well settled that an order of compulsory retirement casts no stigma. It is not a punishment and the object of the exercise is only to keep the administration free of impurities and clogs on its smooth functioning by removing from the scene one who has outlived his continued utility, which decision is basically a managerial function. It is within the discretion of the State Government to make a decision whether employee should earn extension in service and so long it is not arbitrary decision and an unreasonable one. The State Government remains the best judge of its own needs and Court interference is limited only when the order is passed in abuse or in colourable exercise of power or is patently perverse as no rational man would take on the material presented for consideration. Otherwise, discretion exercised subjectively, but on objective material available applying rational criteria is final when Rule 3.26 (d) of the Rules is invoked with sufficient justification to serve proper and meaningful ends. No allegations of bias or malice in law or fact have been imputed in the decision making process. Court is not the best judge of the needs and requirements of administration.

Consequently, no plausible ground is made out for interference by this Court in exercise of its extraordinary writ jurisdiction. No substantial injustice has resulted to the petitioner nor has any prejudice been caused to

him or his family when he is in receipt of pension and retirement dues after serving a long innings in Government service. He has no one to blame nor has he done anything blameworthy except the passing shadow of a criminal case from which he was discharged. That was not the only material considered in making the order impugned. No merit. Dismissed.

[RAJIV NARAIN RAINA]
JUDGE

02.08.2016
Vimal

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*