

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.1672 of 2015 (O&M)

Date of Decision: 14.9.2016

Amarjeet Singh Bhatia

..Appellant

Vs.

The State of Haryana and others

..Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr.Harinder Sharma, Advocate for the appellant.
Mr.R.D.Sharma, DAG Haryana.

SURYA KANT, J.

This Letters Patent Appeal challenges the order dated 5.8.2015 whereby learned Single Judge dismissed the appellant's writ petition and has upheld the order of his compulsory retirement. The appellant was ordered to be retired from service purportedly in public interest at the age of 50 years though ordinarily, he would have continued till the age of 58 years.

The appellant was a Lecturer in English in 'College Cadre' of Higher Education Department. Learned Single Judge has referred to two adverse reports containing some adverse remarks against appellant and on that basis has upheld the order of retirement.

We have heard learned counsel for the parties. On our asking, original service record of the appellant has been produced which has been minutely perused. It appears that the learned Single Judge could not appreciate the fact that for the purpose of retention in service beyond the age of 50 years or 55 years, as the case may be, entire service record with

more emphasis on the later record, is required to be scrutinised. Applying these parameters, the appellant's entire service record with more attention to the record of last 10 years ought to have been kept in view. Since it has not been done so, we allow this appeal in part and set aside the order under appeal and remit the case to the learned Single Judge for a fresh adjudication of the appellant's claim after taking into consideration his entire service record with more emphasis on the record of last 10 years. The respondents are directed to produce the original record for consideration of the learned Single Judge. Parties are directed to appear before learned Single Judge on 17.10.2016.

It is clarified that this order shall not be taken as an expression of opinion on the merits of the appellant's claim.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

14.9.2016
Meenu

Whether speaking/reasoned	-	Yes/No
Whether Reportable	-	Yes/No