

In the High Court of Punjab and Haryana at Chandigarh

LPA No.1688 of 2015 in

CWP No.18099 of 2015

Date of decision: January 25, 2016

A.S.I. Balbir Singh

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Dalbir Singh, Advocate for the appellant.

SURYA KANT, J.

The appellant assails the order dated 31.08.2015 whereby learned Single Judge has dismissed the writ petition in which he laid challenge to the order of his compulsory retirement dated 19.09.2014.

(2) The appellant joined Haryana Police as a Constable on 08.12.1980. He was promoted firstly as Head Constable and then as Assistant Sub Inspector on 15.01.1990. Vide the impugned order dated 19.09.2014, the appellant was ordered to be retired compulsorily from service. He filed an administrative appeal against that order, which was turned down by the Director General of Haryana Police vide memo dated 31.03.2015.

(3) The appellant challenged these orders but the learned Single

Judge has dismissed the writ petition having regard to the fact that recently and before his compulsorily retirement, the appellant was subjected to disciplinary action in three different matters and was awarded punishments as per the following details:

“i) Stoppage of one annual increment with permanent effect vide order dated 13.09.2013 on account of willful absence.

ii) Stoppage of three annual increments with permanent effect vide order dated 20.03.2014 on account of misbehaviour with a colleague of his.

iii) Stoppage of three annual increments with permanent effect imposed on him vide order dated 20.03.2014 for having made false complaints against senior officials.”

(4) Learned Single Judge also scanned the service record of the appellant beyond last 10 years and found that there are atleast seven punishments awarded to him on different occasions coupled with the fact that adverse remarks were also recorded in the ACRs for the years 2009 to 2014. Learned Single Judge has thus observed that the appellant's retirement can be rightly termed in 'public interest'.

(5) The aggrieved appellant has preferred this appeal, reiterating his achievements as an outstanding sports person, who won various Medals in All India Police Games.

(6) Learned counsel has pointed out that in 2009 also the appellant's case for compulsory retirement was recommended but the State Government, having regard to his sports achievements, turned down the departmental recommendations. There are no subsequent

exceptional circumstances, to term or justify the appellant's

compulsorily retirement in public interest. He further argued that the punishment orders referred to by the learned Single Judge are yet to attain finality as departmental appeals are still pending.

(7) Having given our thoughtful consideration to the submissions, we do not find it a fit case to interfere with the view taken by learned Single Judge. We say so for the reason that in at least three disciplinary matters, the punishment was awarded after the year 2009 when the earlier recommendations to retire the appellant compulsorily were not approved by the State Government. Further, the appellant's over all service record including major or minor punishments awarded from time to time as well as his annual ACRs have been kept in view for the formation of opinion. Suffice it to observe that if the departmental appeals, said to have been moved by the appellant, are accepted and the orders of punishment are set aside or the adverse remarks are expunged, such subsequent events would give a fresh cause of action to the appellant to approach the competent authority for the review of the order of his compulsorily retirement. With liberty to seek or to avail such remedy, we decline to interfere with the impugned order.

(8) Dismissed.

(SURYA KANT)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

January 25, 2016