

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11264 of 2015

Date of Decision:-29.03.2017.

Chiranji Lal

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. P.L. Verma, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of the order dated 18.4.2015 (Annexure P-2) which is a notice for him asking as to why he shall not be retired compulsorily in public interest while invoking Rule 3.26 (d) of the Punjab Civil Services Rules, Volume-I Part-1 read with Rule 9.18 (1) (c) of the Punjab Police Rules as applicable to the State of Haryana and further he has sought for quashing rejection of his representation against ACR for the period from 2005-06 dated 28.3.2015 (Annexure P-12) and award of punishment of censure dated 12.3.2006 (Annexure P-4). Insofar as challenge to Annexure P-2 dated 18.4.2015 is concerned, the petition is premature, therefore, petition is liable to be rejected. Insofar as rejection of the petitioner's representation against Annual Confidential Report is concerned, the petitioner has not urged any *mala fide* against writing of any adverse entry during the period from 1.4.2005 to 3.8.2005 and 4.8.2005 to 31.3.2006. Insofar as challenge to punishment of censure dated 12.3.2006 (Annexure P-4) is concerned, it is

highly belated. On the ground of delay and laches, challenge to censure dated 12.3.2006 (Annexure P-4) is hereby rejected.

The petitioner has also questioned the downgrading of Annual Confidential Report for the year 2005-06 to below average. The said action has been taken by the Deputy Commissioner of Police Headquarters, Gurgaon on 5.1.2015 i.e. almost after a decade. In order to get rid of the petitioner, such an action has been taken by the Deputy Commissioner, Police Headquarters, Gurgaon as is evident from the records relating to proposal to retire the petitioner compulsorily in public interest. Therefore, Annexure P-10 dated 5.1.2015 is set aside. In view of the above facts and circumstances, the competent authority is directed to pass a final order insofar as retiring the petitioner compulsorily. While doing so, the competent authority is directed to take note of Annexure P-1-instructions relating to retiring an employee after completion of 55 years who has attained 70% or above good reports and whose integrity is not doubted during the last 10 years is required to be taken into consideration. That apart by virtue of interim order, petitioner is continuing in service. It is learnt that he is due for retirement on 30.4.2017. The above decision shall be taken by the competent authority sympathetically having regard to the lapse of time and the fact that the petitioner is due for retirement on 30.4.2017.

With the above observations, petition stands disposed.

(P.B. BAJANTHRI)
JUDGE

March 29, 2017.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.