

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-24362-2016 (O&M)  
Date of decision: 17.01.2017

**Sunder Lal Singla**

**.....Petitioner**

**versus**

**Vaish Education Society Rohtak and others**

**.....Respondents**

**CORAM: Hon'ble Mr.Justice Kuldeep Singh**

Present: Mr.D.C.Dhoola, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldeep Singh, J. (Oral)**

Petitioner was working as Deputy Superintendent at Vaish Technical Institute, Rohtak. In the present writ petition, he has impugned the order dated 29.7.2005 (Annexure P1/A), vide which, he was compulsorily retired from service on the basis of his adverse ACRs for the years 2001-2002 to 2004-2005 (Annexure P3 to P5). He also impugned the order (Annexure P1), vide which, the Education Tribunal, headed by Additional District Judge, Rohtak has dismissed his appeal against the said order.

Heard.

The appeal filed by the petitioner before the Education Tribunal, headed by Additional District Judge, Rohtak has been dismissed on the ground of limitation. Petitioner has claimed the condonation of delay on the ground that he has previously filed a Civil Suit before learned Civil Judge (Junior Division), Rohtak and appeal before learned Additional District

Judge. However, copies of the said judgments were not produced before the Tribunal and consequently, it was held that there is no ground to condone the delay. Today, copies of the judgments of the civil Courts have been produced before this Court, which shows that previously the petitioner approached the Court of Civil Judge (Junior Division), Rohtak by way of filing Civil Suit No.107 of 2006/2007, which was decided against him on 30.10.2010. Appeal against the said judgment and decree was dismissed by the learned District Judge, Rohtak on 29.5.2013. Thereafter, the petitioner approached the Education Tribunal, headed by Additional District Judge, Rohtak on 3.8.2013 and his appeal was dismissed on 13.7.2016 being time barred.

The perusal of the judgment of the Civil Court shows that in addition to the merits, it was also held that the petitioner should have approached the Education Tribunal. Since the matter is hanging fire since the year 2006, pertaining to an order passed in the year 2005, therefore, I proceed to examine the same on merits.

The impugned order of compulsory retirement of the petitioner has been passed on the basis of adverse ACRs (Annexure P3 to P5). The examination of ACRs for the year 2001-2002 shows that his conduct, behaviour with officers and amenability to discipline, devotion to duty etc. were found to be below average. Integrity of the petitioner was found to be 'doubtful' and instances have been given in the said ACR as to on which ground integrity is found to be doubtful. He was found unsuitable for further higher pay scale and over all grading was 'below average'. In the next ACRs for the year 2002-2003, 2003-2004 and 2004-2005 over all grading of the petitioner has been assessed as average. It has been recorded that he is in

habit of directly approaching the authorities by violating rules and is also disobedient. He also used improper language against the superiors. He is also harsh in dealing with the superiors. On all the aspects his performance was found to be average. It was on the basis of these four ACRs that the petitioner has been compulsorily retired from service at the age of 55 years.

After considering the ACRs and the comments made therein, I am of the view that taking into consideration the facts that an employee is having average performance and is having doubtful integrity and has also misbehaved with the superiors and insubordinated and that such conduct was repeated continuously for four years, there is no illegality or infirmity in the impugned order of the management dated 29.7.2005 compulsorily retiring the petitioner. No ground to interfere in the said order.

Resultantly, the present writ petition stands dismissed.

**17.01.2017***gk***(Kuldip Singh)  
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No