

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

LPA No.227 of 2016

Date of Decision:20.02.2017

Om Parkash

.....Appellant

Vs.

State of Haryana and others

.....Respondents

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

Present:- Mr. Vinod S. Bhardwaj, Advocate for the appellant.

SURYA KANT, J.(Oral)

The appellant assails the order dated 5.11.2015 vide which learned Single Judge has dismissed his writ petition, challenging the order of compulsory retirement from service.

The appellant was working as Sub Inspector in Haryana Police when he was retired compulsorily on 21.6.2009 at the age of 55 years after serving three months' notice.

The adverse material which led to the formation of opinion by the competent authority for the appellant's compulsory retirement in public interest included:-

(i) the departmental action taken against him on the allegation that he had accepted ₹1,500/- as bribe from one Sudesh Kataria on 26.2.2008 while posted at Police Post Kakrola Police Station Sadar, Gurgaon. It may be mentioned here that FIR No.15 dated 26.2.2008 under Section 7 of the Prevention of Corruption Act was also registered on the basis of the same

incident at Police Station State Vigilance Bureau, Gurgaon. The appellant was convicted by the learned Special Judge on 13.4.2010 but his appeal was allowed by this Court vide judgment dated 3.9.2014 (Annexure P.9).

Independent of the criminal prosecution, the appellant was served with a charge-sheet; inquiry was held in which he participated. The Inquiry Officer examined various witnesses from both sides and submitted the report holding the appellant guilty of the charge. The competent authority accepted the inquiry report and imposed major penalty of stoppage of three increments with cumulative effect on the appellant.

(ii) The appellant's ACR for the year 2007-08 contained adverse remarks including those impinging upon his integrity.

The appellant neither challenged the order of punishment passed in the departmental inquiry nor he made any grievance against the adverse remarks recorded in the ACR for the year 2007-08. In the light of that material, the competent authority formed a bona fide opinion that the appellant was liable to be retired from service compulsorily in public interest.

It is only after earning acquittal in the criminal case from this Court on 3.9.2014, the appellant thought of questioning the order of his compulsorily retirement etc.

Learned Single Judge has dismissed the writ petition observing that even a single adverse entry casting doubt on the integrity is sufficient to form the opinion that retention of the appellant in service was not in public interest.

In the light of the facts noticed above, we are satisfied that the

departmental action is independent of the criminal prosecution and the acquittal earned by the appellant in the criminal case has no bearing and does not remove the sting of the departmental action taken against him. In this view of the matter, there exists sufficient and overwhelming adverse material to support the opinion formed by the competent authority that the appellant's retention in service was not in public interest. No case to interfere with the order under appeal is made out.

Dismissed.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

20.02.2017

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No