

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

LPA No.1331 of 2017 (O&M)

Date of Decision : 29.11.2017

State of Haryana and others

....Appellants

Versus

Ismail Khan and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

....

Present : Mr.Samrath Sagar, Addl.AG, Haryana.

....

MAHESH GROVER, J. (Oral)

The order of compulsory retirement challenged by the writ petitioner was set aside considering his ACRs which except for two periods i.e. 2008-09 and 2009-10 were good and even outstanding. The argument of the appellants before the writ court as also before us that it is the subjective satisfaction of the competitive authority that is to prevail in matters related to retention of an employee or retiring him compulsory but it ought to manifest itself in such like orders. There is no explanation put forward as to how a person with generally good record and one or two outstanding reports also could have been compulsorily retired particularly when the order does not reflect any such recorded satisfaction of the competent authority. The writ court was right in accepting the challenge to the said order and since no meaningful argument has been advanced, we decline interference.

However, delay of 38 days in filing the appeal is condoned for the reasons mentioned in the application under Section 5 of the Limitation Act.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

29.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No