

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

**CWP No. 14339 of 2015
Date of Decision: 19.09.2018**

Om Parkash

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. Harish Rathee, Senior DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. There is no representation on behalf of the petitioner nor a pass over is sought. The Court cannot wait endlessly for the appearance of the petitioner.

2. Heard Mr. Rathee and perused the record with his assistance.

3. The petitioner was compulsorily retired from service on 15.05.2015 while serving in the rank of Police Sub Inspector invoking Rule 5.32 (A) (c) of the Punjab Civil Services Rules, Volume-II, Rule 3.26 (d) of the Punjab Civil Services Rules, Volume-I, Part-I and Rule 9.18 (1) (c) of the Punjab Police Rules, 1934 (as applicable to Haryana).

4. In paragraph No.1 of the preliminary submissions, the State has reproduced a birds' eye view of the service record of the petitioner

for the period 2009 to 2013. The same are reproduced as under:

- 1. 07 punishments of Censure in year 2009.
- 2. 05 punishments of Warning in year 2009.
- 3. 01 punishment of Censure in year 2011.
- 4. 01 punishment of Censure in year 2012.
- 5. 02 punishments of Censure in year 2013.
- 6. Two future annual increments stopped with temporary effect on 29.07.2013.
- 7. One future annual increment stopped with temporary effect on 11.06.2014 which was modified into Censure in appeal on 05.08.2014.

The adverse entries made in the ACRs of the petitioner within the last 10 years of service of the petitioner are as under:

Sr. No.	Period	Remarks Regarding	Remarks Made
01.	01.04.09 to 14.03.10	Power of command:	Average
		Interest in modern method of investigation:	Average
		Working & detective ability:	Average
		Defects:	Punishments of Censure was awarded for not doing proper investigation in many cases
		Category of report:	Average
		Comments of IGP, Hisar Range, Hisar	An unreliable officer. Punished more than 06

			times during the year.
02	25.05.10 to 31.03.11	Category of report:	Average
03.	01.04.11 to 04.11.11	Overall Assessment by IGP, Hisar Range, Hisar	An average officer
04.	07.11.11 to 31.03.12	Defect:	Yes, SCN issued vide No. 2549 dated 08.08.2012
05.	01.04.12 to 31.03.12	Honesty	Doubtful
		Moral character	Immoral
		Moral courage and readiness to expose the malpractices to subordinates.	Timid
		Reputation for fair dealing with public and accessibility of the public.	Unfair
		Reliability.	Unreliable
		Category of Report	Average

5. The integrity of the petitioner for the period 01.04.2012 to 01.08.2012 was recorded doubtful in the confidential rolls. It is well settled that if honesty and integrity of an employee is doubted even once, then such an employee may have to be chopped off as deadwood in larger public interest and to maintain purity of police administration. Having regard to the service record, it cannot be said that the action of the Department in compulsorily retiring the petitioner suffers from any error, legal or factual malice or bias. The service record itself justifies the impugned order.

6. I find no merit in the petition and the same is hereby ordered to stand dismissed.

19.09.2018
kv

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*