

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 09.01.2018****CWP No.21253 of 2016**

Baljeet Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vishva Nath Sharma, Advocate, for
Mr. Sandeep Singal, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. As many as 143 service related punishments were awarded to the petitioner in a career, which was mercifully cut short by the order of compulsory retirement. The Government has refused to extend the services of the petitioner beyond 55 years and has called it a day. Almost all the 143 instances are based on cases arising from petty corruption, embezzlement of ticket fare pocketed during journeys and the recurring commission of fraud while working as a Conductor in the Haryana Roadways. Many of his annual increments have been stopped and recoveries from pay ordered. There appears in the long list also willful absence from duty in a career spanning from 1990 till the impugned order was passed on 11.03.2016. The record is without remorse.

2. It is well settled that the State Government enjoy absolute right under the rules to retire a Government servant in public interest prematurely if his continuance is regarded against public interest and the decision taken

is bona fide. Compulsory or premature retirement is not a punishment nor does it involve stigma. The petitioner's integrity has remained doubtful throughout service and I have no reason to unsettle the order of compulsory retirement based on the service record as brought out in the written statement filed by the department.

3. The issue raised at the first motion hearing Bench was based on an argument put forth that the competent authority to prematurely retire a Conductor is the Transport Commissioner, Haryana and since the impugned order has been passed by the General Manager, Haryana Roadways, Jhajjar, it is without jurisdiction.

4. In the reply filed by the State of Haryana, in response to the contention, the attention of the Court has been drawn to the Haryana Transport Department (Group-C) Haryana Roadways Service Rules, 1995, wherein it is specifically mentioned in Appendix - C that General Manager is the appointing and punishing authority of employees on the posts shown at Sr.Nos.9, 10 & 11 belonging to the operational staff. The post of Conductor figures at Sr.No.11 of the said Rules. Therefore, the impugned order was passed by the General Manager within his jurisdiction.

5. Ms. Shruti Goyal cites the judgment in Rohtash Singh vs. State of Haryana & others, 2014 (1) SCT 480 and of the Division Bench in Sujan Singh Vs. State of Haryana & others, (LPA No.1568 of 2013 decided on 02.09.2014) together with the decision of the Supreme Court in Rajasthan State Road Transport Corporation & others Vs. Babu Lal Jangir, (2013) 10 SCC 551 to broadly contend that the entire service record is relevant for the purpose of compulsory/premature retirement with greater emphasis on the

last 10 years of service record. The service record throughout has been dismal and I have no reason to upset the impugned order, which has been passed in accordance with law and for good and sufficient reasons emanating from the service and confidential record of the petitioner. It is not a case of bias or mala fides in the making of the order. Nor is there any such plea raised.

6. For the foregoing reasons, this petition is held to be devoid of merit and is accordingly dismissed.

09.01.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>