

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA no.437 of 2017 (O&M)
Date of Decision : 18.09.2018

Smt. Rajeshwari Nagar

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Vikas Kuthiala, Advocate for the appellant(s)

Ms. Kirti Singh, DAG, Haryana

MAHESH GROVER, J.(ORAL)

Learned counsel for the appellant states that there would be no necessity of impleading legal representatives of respondent no.3 and he gives up his claim qua them and also qua respondent no.4.

This appeal with a delay of 139 days has been filed against the judgment of the learned Single Judge dated 3.6.2016. The appellant was prematurely retired at the age of 55 years by taking into consideration her service record which we extract herebelow:-

Sr.No.	Year	Categorization
1.	1990-91	Good
2.	1991-92	Good
3.	1992-93	Good
4.	1993-94	Average
5.	1994-95	Average
6.	1995-96	Below Average

7.	1996-97	Average
8.	1997-98	Good
9.	1998-99	Good
10.	1999-2000	Good

The appellant's specific case is that ACR of 1993-94 was recorded but misplaced by the respondent no.6 and after lapse of 7 years some other officer who had no occasion to see her work and conduct recorded the ACR. Therefore, it cannot be taken into account at all. Apart from this it is contended that the 'average' reports in her career were not conveyed to her.

After hearing learned counsel for the appellant and noticing the material on record, we are of the opinion that the contention of the learned counsel for the appellant does not merit acceptance. The plea that 'average' remarks were not conveyed to her is not fortified from the records. Learned Single Judge has noticed that the representation against the 'average' remarks was rejected on 13.8.2001. The impugned order of premature retirement was passed subsequently. Evidently, the reports were communicated to the appellant, even though belatedly. Once the representation against them was rejected, the appellant's argument of non-communication of the adverse remarks loses its sting. Even otherwise the entire record has to be taken into consideration and the appellant needed 70% good reports to cross the hurdle. The consistent record from 1993-94 to 1996-97 shows the appellant in poor light as being 'average' or 'below average'. The bench mark of 70% 'good' reports is therefore, not achieved by her. Looking at it from any angle the appellant has failed to make up her case to interfere with the orders of the learned Single Judge. Therefore, no ground to interfere is made out,

particularly, when the appeal is also barred by delay of 139 days which has not being explained to the entire satisfaction. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

18.09.2018
rekha
Whether speaking/reasoned
Whether reportable

(Mahabir Singh Sindhu)
Judge
Yes/No
Yes/No