

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19076 of 2018

Date of Decision: 21.01.2019

Suresh Kumar Bansal

...Petitioner

Vs.

Punjab and Haryana High Court and others

...Respondents

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

Present: Mr. S.K. Sharma, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. There were five departmental enquiries pending against the petitioner while he was serving as Nazir in the Sessions Division, Sangrur when the case of his junior was considered for promotion. The junior was promoted. Four of his enquiries relate to house building loan, purchase of two flats in Sangrur in the name of wife, purchase of motor car, washing machine and an air conditioner and one relates to loss of court file of a pending case. In this last said enquiry the file was traced and the petitioner was exonerated. However, the petitioner was not successful in the other enquiries where the charges were proven. The District and Sessions Judge, Sangrur passed an order of compulsory retirement against the petitioner. He went in service appeal before the Administrative Judge. The Administrative Judge converted the order of compulsory retirement to one of voluntary retirement in view of the fact that the petitioner had applied earlier for voluntary retirement. In the

present petition, the claim for antedated promotion is made from the date juniors were promoted.

2. I have heard Mr. Sharma at some length on the point, but, I find myself unable to agree with him that the petitioner has a vested right to antedated promotion as Senior Assistant because the petitioner has not been exonerated of the charges of misconduct. The punishment on being converted to one of voluntary retirement from service does not wash away the sting of the enquiries and the conclusions reached therein.

3. Accordingly, I find no merit in this petition and order it to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

21.01.2019

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