

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-3738-2020

Date of decision: 14.02.2020

EASI Virender Singh

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Aditya Yadav, Advocate
for the petitioner.

GIRISH AGNIHOTRI, J. (Oral)

The present petition has been filed by the petitioner-EASI Virender Singh *inter alia* with the prayer to quash the impugned order dated 12.12.2019 (Annexure P-9), passed by the Superintendent of Police, Rohtak, District Rohtak/respondent No.4.

This Court for the reasons mentioned hereunder deems it appropriate to dispose of the writ petition by noticing some of the facts which are mentioned below.

Learned counsel for the petitioner submits that since his date of appointment i.e. 01.12.1988, he has been continuously performing his duties with no adverse remarks except the ACR for the period from 07.11.2011 to 31.03.2012. For some allegations during this period, the departmental enquiry was initiated vide order dated 22.03.2012. Vide order dated 11.12.2012, a punishment of stoppage of five future annual increments with

permanent effect was imposed upon the petitioner. After the filing of the appeal (which remained unsuccessful) vide order dated 07.02.2014, the Revisional Authority, however, had set aside the said punishment. Meanwhile, the petitioner was conveyed adverse remarks vide memo dated 01.02.2020. The petitioner submitted a representation on 18.01.2020 (Annexure P-10), which is stated to be still pending.

In view of the above, main grievance of the petitioner is that on 26.11.2019 relying on the said ACR, which was actually conveyed to the petitioner on 01.02.2020, he was given three months notice for compulsory retirement. The next grievance of the petitioner is that before expiry of three months on 12.12.2019 itself, the respondent-department passed an order to the effect that the petitioner will be retired from service w.e.f. 29.02.2020. Still further, the next grievance of the petitioner is that in view of the fact that the Revisional Authority i.e. the Director General of Police, Haryana, on 07.02.2014, had quashed the punishment, the adverse remarks in the ACR for the period in question ought to have been upgraded and in any case, could not be treated adverse or to be relied upon in the order of retirement.

This Court in peculiar facts and circumstances of the above case, deems it appropriate to direct the respondent No.3 to examine the representation already submitted on 18.01.2020 and also another comprehensive representation which the petitioner undertakes to submit within four days from today and decide the same. If, however, the Competent Authority comes to a conclusion which is adverse/against the

petitioner, it is expected that reasoned and speaking order is passed. It is also directed that in the event that the order is adverse/against the petitioner, the same be not given effect till the expiry of one week from the date of communication of the order to the petitioner.

Writ petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

14.02.2020

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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No