

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-15949-2020 (O&M)
Date of Decision:-1.10.2020

Krishan Gopal and another ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sameer Sachdeva, Advocate for the petitioners.

Ms. Sudeepti Sharma, Additional Advocate General, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners Krishan Gopal and Darshan Singh assail orders dated 24.8.2020 (Annexure P-1 and P-2) vide which they have been ordered to be retired prematurely from their services w.e.f. 31.8.2020.
2. The petitioners were initially recruited as Constables in Punjab Police and while petitioner No.1-Krishan Gopal was promoted to the rank of Senior Constable on 23.8.2012 and to the rank of Head Constable on 1.1.2018, petitioner No.2-Darshan Singh was promoted to the rank of Senior Constable on 25.4.2015. The petitioners, upon completion of more than 25 years of service, were served with show cause notices dated 28.5.2020,

Annexure P-4 and P-5, respectively, wherein they were intimated that they are being given 3 months' advance notice of retirement and that they would stand retired from service w.e.f. 31.8.2020, upon completion of the said 3 months notice.

3. Both the petitioners filed writ petitions i.e. CWP-10184 of 2020 and CWP-10176 of 2020 assailing the aforesaid notices, which were, however, dismissed vide orders dated 20.7.2020 i.e. Annexures P-6 and P-7, respectively.
4. Upon expiry of the aforesaid period of 3 months, respondent No.3-Senior Superintendent of Police, District Sangrur, Punjab passed the impugned orders dated 24.8.2020 i.e. Annexures P-1 and P-2, respectively, to the effect that the petitioners shall stand retired w.e.f. 31.8.2020.
5. The learned counsel for the petitioners has submitted that the impugned orders i.e. Annexures P-1 and P-2, respectively, are absolutely non-speaking and, as such, cannot sustain as there is nothing on record against the petitioners except for the last Annual Confidential Reports (ACRs), wherein the respondents have intentionally recorded adverse remarks and against which the petitioners did not even get proper opportunity to represent. The learned counsel, in this regard, has drawn the attention of this Court to the information received by way of moving Right to Information (RTI) application i.e. Annexures P-8 and P-9, respectively.
6. I have considered rival submissions addressed before this Court.
7. Rule-3 of Punjab Civil Services (Premature Retirement) Rules, 1975 vests the appropriate authority within absolute right to retire an employee upon his/her having rendered more than 15 years of service i.e. upon completion

of 15 years, 20 years, 25 years, 30 years and 35 years, as the case may be, or upon his/her attaining age of 50 years or any date thereafter.

8. The petitioners are aged 47 years and 50 years, respectively, and admittedly have completed more than 25 years of service. It is for the appropriate authority to opine as to whether it is in the public interest to retain an employee further in service or not to retain him any further and thus to retire him. While exercising powers under Rule-3 of Punjab Civil Services (Premature Retirement) Rules, 1975, no elaborate inquiry is required to be conducted as would otherwise be conducted while terminating the services of a regular employee. The appropriate authority has to form an opinion justifying not to retain such employee any longer.
9. Both the petitioners have been serving the Police Department and needless to say the highest of the standards as regards efficiency, integrity and conduct are required to be maintained. Somehow, it appears that the conduct of petitioners was not upto the mark. Even if the last ACRs, wherein even the 'integrity and honesty' of the petitioners has been classified as 'doubtful' are not looked into, this Court finds that both the petitioners have been served with a large number of warnings and orders of 'Censure' have been passed as would be evident upon perusal of the orders dated 20.7.2020 passed by this Court while dismissing their earlier writ petitions i.e. CWP-10184 of 2020 and CWP-10176 of 2020. It is noticed in order dated 20.7.2020 (Annexure P-6) in the case of petitioner No.1-Krishan Gopal that he had remained willfully absent for 1787 days and as many as 91 orders of censure and warnings had been issued to him apart from initiation of departmental proceedings and punishments having been inflicted upon him. Similarly in order dated 20.7.2020 (Annexure P-7) in the case of petitioner

No.2-Darshan Singh, it has been noticed that he had remained willfully absent for 804 days and as many as 52 orders of censure and warnings had been issued to him and he had also faced disciplinary proceedings during his career. Such like track record and conduct on the part of petitioners would give sufficient reasons to the respondents not to retain them any further in service and to prematurely retire them, particularly bearing in mind that the petitioners were members of a disciplined force where there can be no such tolerance especially as regards integrity.

10. Finding no merit in the present petition, the same is hereby dismissed.

1.10.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No