

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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LPA-718-2020(O&M)

Date of Decision : 16.10.2020

State of Haryana and others

....Appellants

vs.

Ramesh Kumar

....Respondent

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Deepak Balyan, Additional, Advocate General, Haryana
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order dated 29.5.2020 of the Single Judge allowing the writ petition filed by the respondent in which he had challenged the order of his compulsorily retirement.

The brief facts are that the respondent was working as a conductor in Haryana Roadways Department and was found guilty of having misappropriated a sum of Rs. 320/ and on the basis of that an adverse entry was recorded in his ACR for the year 2010-11. When his case came up for consideration for retention he was compulsorily retired on the basis of that ACR and that was the order he challenged in the writ petition.

Learned Single Judge relied upon the Government instructions dated 9.6.2016 wherein it was stipulated that if the embezzled amount is below Rs.500/- the employee should be punished as per the Rule of the Haryana Civil Services (Punishment and Appeal), 1987 only and it was further clarified that no adverse remarks would be made in the ACR against the honesty of such an employee. Learned Single Judge further noticed the

fact that entire service record of the petitioner except for that one ACR was good. Learned Single Judge has further held that on the basis of that solitary ACR the respondent could not have been compulsorily retired, particularly in view of the instructions dated 9.6.2016. The learned Additional Advocate General has not denied the issuance of those instructions.

In view thereof, no fault can be found with the impugned judgment and order of the learned Single Judge. Appeal stands dismissed.

Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

**(RAJESH BHARDWAJ)
JUDGE**

16.10.2020
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No