

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CWP-15068-2021

Date of decision: 09.08.2021

Ram Niwas

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Dr. Naresh Kaushik, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Ram Niwas, stated to be aged 55 years, has filed the present petition *inter alia* with a prayer for quashing the order dated 11.05.2021 (Annexure P-1) whereby the petitioner is being prematurely retired.

Learned counsel for the petitioner makes reference to memo dated 12.05.2021. Learned counsel submits that the petitioner had been initially appointed on 04.10.1989 as Constable. He was thereafter promoted as EASI. Learned counsel further submits that the petitioner is going to attain age of 55 years on 17.08.2021 and has thus completed 31 years of service. He submits that vide the impugned memo dated 12.05.2021, there is a proposal to prematurely retire the petitioner w.e.f. 18.08.2021.

Learned counsel submits that the main ground on which the said decision for premature retirement has apparently been taken is, Adverse comments for a short period of three months and ten days i.e. from 21.12.2016 to 31.03.2017. In the said Adverse remarks the integrity of the petitioner has been stated to be adversely commented.

Learned counsel makes two fold submissions. He, firstly submits that for the same very period initially the petitioner was imposed with the punishment of stoppage of five Annual increments with permanent effect. However, the said punishment was reduced to only 'Censure' vide order dated 11.05.2017. He, therefore, submits that in view of the above, even the ACR remarks deserves to be upgraded. Secondly by making reference to para 13 of the petition, he submits that the petitioner had filed appeal vide diary No.33454 dated 20.09.2019 with a prayer to expunge the said adverse remarks. He submits that the said appeal is still pending with the Secretary Department of Home, Haryana.

Notice of motion.

On asking of the Court, Ms. Safia Gupta, AAG, Haryana, accepts notice on behalf of the respondents-State.

For the order proposed to be passed, this Court deems it appropriate to **dispose of** the writ petition at this stage, with following directions:-

1. The respondent No.1 is directed to take a final decision on the representation/appeal submitted by the petitioner vide diary No.33454 dated 20.09.2019.
- (ii) Till the decision by respondent No.1, the respondents

especially respondent No.3, is directed to keep the memo dated 12.05.2021 in abeyance, wherein, there is a proposal to retire the petitioner w.e.f.18.08.2021.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

09.08.2021

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No