

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

CWP-12037-2001 (O&M)

Date of decision: July 13, 2022

Surinder Lal Puri

.....Petitioner

versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari seeking to quash impugned order dated 22.02.2001 (Annexure P-1) whereby petitioner was compulsorily retired from service.

2. Petition was admitted for hearing on 16.08.2001. It has been lying admitted ever since. When taken up for final adjudication, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, the petitioner seems to have lost interest in pursuing the same.

3. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible in view of the stand taken in the reply filed by respondents No.1 and 2.

4. Learned State counsel has canvassed arguments on similar lines as per the defense taken in written statement.

5. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the stand of the respondents nor any additional affidavit of any kind to controvert the same.

6. Petitioner was to complete the age of 55 years on 11.09.2000 and his case was duly sent for a decision regarding the extension of his services beyond 55 years in accordance with instructions/policy dated 21.10.1999 (R-1). A bare perusal of the pleadings/record reveals that the service record is not unblemished inasmuch as a punishment of warning was imposed on the petitioner vide order dated 07.01.1988. Furthermore, Annual Confidential Report of the petitioner for the year 1998-1999 reflects that the petitioner was assessed as “*Below Average*” by the competent authority after the assessment of his performance. The adverse comments were conveyed to the petitioner in due course and no deliberate delay was caused. Moreover, the petitioner was given due opportunity to seek redressal of his grievance in an appeal which was duly filed by him against these adverse remarks. Finding no merit, the appellate authority decided to file it vide order dated 22.01.2002. Therefore, the adverse comments in the ACR of the petitioner for the year 1998-99 have attained finality. Therefore, the petitioner has no right to challenge the *bonafides* of the contents of the said report. Even otherwise, the writing of Annual Confidential Report is the privilege of the concerned authority at various levels as prescribed by the Government and such reports are recorded consciously with due application of mind. Therefore, in the case of the petitioner, competent authority cannot be attributed any malafides on its part.

7. It is the prerogative of an employer to continue or discontinue the services of an employee after attaining the age of 55 years as per the

instructions and the same is done after making an overall assessment of the working of an employee. Accordingly, the Committee in their wisdom decided that it was not desirable for the petitioner to continue in service and so the petitioner was compulsorily retired from service after giving him three months' notice, which later on was dispensed with by the Government when it decided to retire the petitioner after paying the salary in lieu of three months' notice.

8. In the overall premise, I see no irregularity of any kind committed by the competent authority in passing the impugned order which may require any judicial intervention. The same is accordingly, upheld.

9. In view of the aforesaid, no grounds are made out to interfere.

10. Dismissed.

(ARUN MONGA)
JUDGE

July 13, 2022

vandana

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