

1686

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6221-2001 (O&M)

Date of decision: July 04, 2022

P.K. Gupta

.....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 for quashing the impugned three months notice dated 03.02.2001 (Annexure P-5) issued by the respondent for compulsory retirement of the petitioner and final order of retirement dated 26.06.2001 (Annexure P-6A) whereby representation of the petitioner for withdrawal of notice Annexure P-5 has been rejected.

2. Petition was admitted for hearing on 29.07.2002.

3. When called out for hearing, 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, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, from perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in Para-3 of the preliminary submissions of the reply filed by respondents No.1 and 2.

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

6. As per Government instructions contained in letter dated 12.12.1988, the cases of Class-I & Class-II officers are required to be reviewed at the age of 50/55 years on the basis of his record for the last 10 years. Moreover, while reviewing the case of a Government employee for retention in Government service, apart from his Annual Confidential Reports, disciplinary/charge-sheeted cases as well as punishments awarded to him during 10 years were also to be taken into consideration. Any reflection on the integrity of a Government employee whether in Annual Confidential Report or charge-sheet and punishment orders leads to placing the case before the officers committee consisting of the Chief Secretary to Government Haryana, Administrative Secretary and Head of Department for reviewing his case.

7. The petitioner herein attained the age of 50 years on 04.05.1997. His record position for the last 10 years i.e. from 1987-88 to 1996-97 was taken into consideration. Seemingly, petitioner though fulfilled the criteria of having more than 50% good record/ Annual Confidential Reports, but when his past service record was scrutinized, it was not found unblemished. The following punishments were awarded to him besides an enquiry which was under Rule-7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987:-

- “i) He was awarded a punishment of recorded warning alongwith recovery of Rs.20,663-36 vide Govt. order No.8/74-B&R (E)-3-82 dated 05.05.1998 in inquiry case No.84-IC-A-82.*
- ii) He was awarded a punishment of stoppage of one increment with future effect vide Govt. order No.8/141-B&R (E)-3-80 dated 12.05.1998 in inquiry case No.251-K-78.*
- iii) He was awarded a punishment of stoppage of one grade increment with future effect vide Govt. order No.8/176-B&R (E)-3-87 dated 11.06.1998 in inquiry case No.247-B-87.*

- iv) *217-IC-NH-94 : He was charge-sheeted under Rule 7 of the P&A Rules, 1987 vide letter dated 29.11.1999 on account of charge pertaining to local purchases contravention of PWD codal rule.”*

Accordingly, case of the petitioner was placed before the officers committee. In accordance with their recommendation, a three months notice of compulsory retirement was served upon him vide order dated 03.02.2001 (Annexure P-5). Petitioner submitted his representation dated 16.03.2001 (Annexure P-6) and after considering the same, matter was again submitted before the officers committee in the meeting held on 15.05.2001. The Committee once again reviewed the case of the petitioner and reiterated its decision dated 08.12.2000 and directed that it be implemented on the following grounds:-

- “a) *the promotion of the officer as E.E. was provisional and incorrect in view of the punishment awarded to him on 12.05.1998 and 11.10.1998 (the date of 11.10.1998 is actually 11.06.1998 the above is a typographical mistake and is regretted).*
- b) *As on date, his record is not such that he may be allowed to be retained in service.”*

Recommendations of the officers committee were accepted by the Government being competent authority. Hence the resultant order dated 26.06.2001 of compulsory retirement was passed.

8. I am in agreement with the stand taken by the respondents.
9. In view of the aforesaid, no grounds are made out to interfere.
10. Dismissed.

(ARUN MONGA)
JUDGE

July 04, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No