

110.

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

CWP-7898-2022

Date of Decision: 20.04.2022

SURESH KUMAR

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Dr. Suresh Kumar Redhu, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

The petitioner herein is aggrieved against the order dated 08.03.2022 (Annexure P-14) whereby he is sought to be retired compulsorily from service on attaining the age of 55 years.

Learned counsel appearing on behalf of the petitioner would contend that right from his career, he had a good service record, however, was implicated in a false departmental enquiry by order dated 27.07.2020. The Enquiry Officer found that the charges were proved, consequent to which, the petitioner was imposed with a punishment of reduction in rank from ESI to ASI by an order dated 13.01.2021. He filed an appeal against the said order which came to be dismissed by the Additional Director General of Police, Rohtak Range, Rohtak on 18.02.2021. It is submitted that a revision petition (Annexure P-6) is pending consideration. The petitioner filed a reminder (Annexure P-7) to the DGP, Haryana asking for an early resolution

to his revision petition, however, the same is still pending consideration. Learned counsel would submit that in the meantime, his ACRs were also downgraded against which he has preferred a representation (Annexure P-10) dated 18.02.2022, for expunging the same, however, the same too, is pending consideration. The representation against the adverse ACR is supported by an application seeking condonation of delay on account of the fact that the petitioner and his entire family were inflicted with corona virus and in fact he lost his father on that account and, therefore, was not able to file representation within time. Learned counsel would further submit that despite the revision petition having been filed as far back as February, 2021 against the orders of punishment, the same has not been decided so far. However, based on those orders, he is sought to be retired prematurely which would be against the principle of natural justice. It is also submitted that in terms of the directions dated 05.02.2019 pertaining to premature retirement, the petitioner has also filed a representation stating that there are no justifiable reasons for retiring him which representation is still pending.

Notice of motion.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of respondents.

I have heard learned counsel for the parties and perused the paper book and keeping in view the fact that the petitioner has filed a revision petition which is pending consideration before the Director General of Police as far back as February, 2021 and without decision on the same, it is being proposed to retire the petitioner on attaining the age of 55 years, deem it appropriate to direct the authorities concerned to decide his revision

petition, his representation against adverse remarks communicated to him along with his representation in terms of the order of 05.02.2019 pertaining to premature retirement expeditiously preferably within a period of 10 days from today. The State counsel is on notice and therefore let a decision be taken expeditiously. The authorities concerned are at liberty to take a decision whether they would like to continue the service of the petitioner or not.

The writ petition stands disposed of accordingly.

Needless to say that the petitioner would be at liberty to challenge any order so passed.

20.04.2022

sanjeev

(JAISHREE THAKUR)
JUDGE

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