

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-904-2022(O&M)
Decided on :06.03.2024

DILBAGH SINGH . .Petitioner
Versus

STATE OF HARYANA AND OTHERS . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Bhisham Kumar Majoka, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner was compulsory retired by the respondent-department after attaining the age of 55 years by impugned order dated 31.12.2021 (Annexure P-5).
2. Learned counsel for the petitioner argues that the record of the petitioner was not bad hence, the decision taken by the respondents not to allow the petitioner extension in service beyond the age of 55 years is totally arbitrary and illegal.
3. Upon notice of motion, the respondents have filed the reply. In the reply the respondents have mentioned that the record of the petitioner was such that there was no other option but compulsory retirement of the petitioner on attaining the age of 55 years. As per the respondents, in the Annual Confidential Report of the year 2015-16, 2018-19, 2019-2020, the

integrity of the petitioner has been doubted and he has been termed as “dishonest person” and has been termed as the “below average employee”. Hence, keeping in view the said annual confidential reports of the petitioner, the decision has been taken by the department not to give extension to the petitioner to continue in service beyond 55 years of age.

4. I have heard learned counsel for the parties and have gone through the case record with their able assistance.

5. It is settled principle of law that the conduct of an employee is to be seen for allowing him to continue in service beyond the age of 55 years. The total record of an employee has to be seen by the department to form an opinion as to whether the employee is to be allowed to continue upto the age of 58 years or not.

6. In the present case, the un-rebutted facts are that the service record of the petitioner is such that his integrity has been doubted and he has been termed as dishonest officer. Once, the record of the petitioner is such that he is being treated as dishonest officer, the respondents were well within their jurisdiction to compulsory retire the petitioner on the attaining the age of 55 years.

7. Learned counsel for the petitioner has not been able to rebut the averments made in the written statement of the respondents qua annual confidential reports of the petitioner and that too for the years immediately preceeding the year of passing of the impugned order. That being the factual position, when the record of the petitioner is below average and he has been described as a dishonest officer, the action taken by the department to retire the petitioner on attaining the age of 55 years cannot be treated as arbitrary and illegal.

8. No other arguments have been raised.

9. Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for the grant of any relief to the petitioner as being claimed by him through present petition, hence, the present petition **stands dismissed**.

10. Pending civil miscellaneous application, if any, stands disposed of.

06.03.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

(HARSIMRAN SINGH SETHI)
JUDGE