

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

222

RSA-4435-2015 (O&M)  
Decided on :07.03.2024

DHARAMPAL

.....Petitioner

Versus

STATE OF HARYANA AND ORS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Shalender Mohan, Advocate for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

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**HARSIMRAN SINGH SETHI , J. (Oral)**

1. In the present petition, the challenge is to the judgments and decrees passed by the Courts below, by which, the challenge of the appellant-plaintiff to his retirement upon attaining the age of 55 years, has been rejected. Even the challenge to the ACR for the period from 02.11.2007 to 31.03.2008 has also been negated and the show cause notice issued to the petitioner for retiring on attaining the age of 55 years has been upheld while passing the judgment and decree by the Courts below.

2. Learned counsel for the appellant-plaintiff argues that the appellant could not have been retired from service as, the reasons given by the respondents-department in the show cause notice is invalid.

3. Learned State counsel on the other hand submits that it has already come on record that the record of the appellant-plaintiff was such that he does not deserve to be retained in service beyond the age of 55 years

and hence, keeping in view the over all record of the appellant-plaintiff, he has been retired and the judgments and the decrees of the Courts Below are perfectly valid as the same have been passed keeping in view the facts/evidence which has come on record.

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

5. It may be noticed that in the present regular second appeal, only the perversity in the judgments and decrees passed by the Courts below is to be pointed out and the learned counsel for the appellant could not re-argue the case afresh so as to re-appreciate the facts in order to arrive at a decision which is contrary to the decision of the Courts below.

6. In the present case, it has already come on record that the service record of the appellant-plaintiff was such keeping in view the punishment imposed on him as well as adverse remarks in his Annual Confidential Report, which record has been taken into account by the respondents-State while framing the opinion that the appellant-plaintiff should not be allowed to continue in service beyond the age of 55 years. Once, the said findings have been recorded on the basis of evidence/facts which has come on record, this Court will not interfere in the said findings unless and until, the said findings are proved to be per-versed.

7. Learned counsel for the appellant has not been able to point out any perversity in the findings recorded by the Courts below with regard to the fact and evidence qua the punishment imposed upon the appellant-plaintiff and his conduct as well as the adverse remarks in his ACR. Hence, in the absence of any such perversity pointed out, keeping in view the settled principle of law that the respondent-department is within its jurisdiction to form an opinion on the basis of the service record of a particular employee

as to whether he/she be allowed to continue in service beyond the age of 55 years or not.

8 Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for interference in the present case, hence the present regular second appeal stands **dismissed**.

9. Pending miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)  
JUDGE

**07.03.2024**  
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*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*