

ITEM NO.19

COURT NO.11

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2010  
(CC 11094/2010)

(From the judgement and order dated 16/12/2008 in LPA No. 504/2002  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA &amp; ORS.

Petitioner(s)

VERSUS

BHOPAL SINGH

Respondent(s)

With I.A.1 (C/delay in filing SLP and office report)

Date: 02/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.Manjit Singh, AAG  
Mr. Kamal Mohan Gupta, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

## O R D E R

The petitioners are aggrieved by the refusal of the Division Bench of the Punjab and Haryana High Court to interfere with the order of the learned Single Judge, who allowed the writ petition filed by the respondent and quashed the order of his compulsory retirement.

The petitioners have also filed an application for condonation of 368 days' delay.

We have perused the averments contained in the application and are convinced that the cause shown by the petitioners for not filing the special leave petition within the period of limitation is wholly unsatisfactory and there is no warrant for condonation of more than one year's delay.

Dehors the above conclusion, we had examined the impugned

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judgment as also the order passed by the learned Single Judge and are convinced that the High Court did not commit any error by setting aside the order of the respondent's pre-mature retirement. The respondent, who joined service as Constable in 1952, was promoted as Assistant Sub-Inspector in 1970 and as Sub-Inspector in 1984. He was retired on 27.11.1985 by relying upon the entries recorded in the ACR's for the years 1972-73 and 1973-74 casting adverse reflection on his integrity.

The learned Single Judge relied upon Rule 13.1 of the Haryana Police Rules, 1934 (for short, 'the Rules') which provides for promotion from one rank to another and from one grade to another in the same rank by selection tampered by seniority with efficiency and honesty being the main factors governing selection and held that once the respondent had been promoted as Sub-Inspector under Rule 13.1 of the Rules, ten years' old adverse entries lost their significance and the same could not be made basis for his pre-mature retirement.

In our opinion, the view expressed by the High Court on the legality of the action taken by the competent authority does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed on the ground of delay and also on merits.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master