

Govt employees can't escape 'adverse entries' even after promotion

LPA No.1305 of 2011 of Punjab & Haryana highcourt

A Government employee cannot escape from the “adverse entries, punishments and acts of misconduct and misdemeanor” in his service record even if he is promoted later, ruled the Punjab and Haryana High Court.

Also drawing distinction between compulsory retirement and punishment, the Division Bench of Justice Permod Kohli and Justice Tejinder Singh Dhindsa made it clear that compulsory retirement is not a punishment and stigma is not attached to it.

“It may be noticed that an order of compulsory retirement is not a punishment. It also does not imply any stigma,” stated the Bench, adding, “It is the entire record of the Government servant that is to be examined while forming an opinion to compulsorily retire an employee.”

The Bench added, “Likewise, all adverse entries, punishments and acts of misconduct and misdemeanor remain a part of the record for overall consideration to retire a Government servant compulsorily. Such record does not lose significance even if the employee has subsequently been promoted.”

The ruling came on an appeal filed by assistant sub-inspector (ASI) Gurbachan Singh, who was ordered to be compulsorily retired from service by Ambala Superintendent of Police from February 27, 2010. Later, the order was upheld by a Single Judge of the High Court.

Taking up the matter, the Bench stated, “The Single Judge, while dismissing the petition has taken notice of various acts of misconduct attributed to the appellant.”

“Such acts of misconduct included awarding of punishment of stopping two annual increments in the year 1998, having been involved in the alleged removal of case property under the NDPS Act, being involved in two separate FIRs under Sections 363, 366, 342, 376 and 34 of the Indian Penal Code and under Sections 148, 149, 301, and 302 of the Indian Penal Code,” the Bench added.

“Yet another punishment of stoppage of three annual increments with permanent effect and punishment of censure in the year 2003 has also been noticed,” observed the Bench.

“While considering the case of an employee for compulsory retirement, public interest is of paramount importance. The dishonest, corrupt and deadwood necessarily deserve to be dispensed with,” concluded the bench while turning down the plea.