***IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH.***

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CWP No.14952 of 2014

Bahadur Singh -Petitioner.

Versus

State of Haryana and Ors. —Respondents.

WRITTEN STATEMENT BY Arachana, Sood Chief Manager (P&A), Haryana Seeds Development Corporation Limited, Panchkula on behalf of respondent No.2.

***RESPECTFULLY SHWOETH:-***

***PRELIMINARY SUBMISSIONS:***

1. That no doubt, the petitioner is due to retire on 31.7.2014 on attaining the age of superannuation i.e. 58 years. However, that the retirement age of the employees have enhanced from 58 to 60 years, vide Chief Secretary, Haryana govt. Letter No.34/1/2004-4 GSI dated 26 August-2014. **Copy enclosed as** **Annexure R-2/1**. In view of this, the policy relied upon by the petitioner is not applicable in this case because as per decision of the Haryana Govt. now the petitioner will be retired on 31.7.2017.
2. That the present writ petition filed by the petitioner is not maintainable in the present form and the same deserves to be dismissed. Infect, Haryana Seeds Development Corporation is an independent corporate body and the policy Annexure P-2 relied upon by the petitioner is not binding upon the Haryana Seeds Development Corporation.
3. That as a matter of fact, there are complaints against the respondent No.3 regarding committing serious irregularities by him while posted at Sirsa unit and in one of the case, respondent Np.3 has been awarded punishment of stoppage of one increment with cumulative effect, vide order dated 28.5.2014, copy enclosed as **ANNEXUREQ R2/2**. Now in order to shift the respondent No.3 from Sirsa unit, it was necessary to transfer the petitioner in his place. The transfer of the petitioner is not a punishment rather the same has been done on administrative grounds.

***ON MERITS:-***

1. That the contents of para no.1 of the writ petition is correct to the extent that the petitioner is resident of State of Haryana. Rest of the contents of this para as stated are wrong and incorrect, hence denied. The petitioner is not competent to invoke extra ordinary writ jurisdiction of this Hon’ble court.

2. That the contents of para no.2 of the petition are misleading and hence denied. Infact, Haryana Seeds Development Corporation is an independent corporate body and the policy issued by the State of Haryana are not binding upon the Haryana Seeds Development Corporation.

3. That the contents of para No.3 of the writ petition are misleading and hence denied. Infact, Haryana Seeds Development Corporation is an independent corporate body and the policy issued by the State of Haryana are not binding upon the Haryana Seeds Development Corporation.

4. That the contents of para No.4 of the writ petition are matter of record.

5. That the contents of para No.5 of the writ petition are matter of record.

6. That the contents of para no.6 of the petition are matter of record, hence needs no reply.

7.That the contents of para no.7 of the petition are matter of record, hence needs no reply. However, as stated above, Haryana Seeds Development Corporation is an independent corporate body and the policy Annexure P2 relied upon by the petitioner is not binding upon the Haryana Seeds Development Corporation. No doubt, the petitioner is due to retire on 31.7.2014 on attaining the age of superannuation i.e. 58 years. However, vide Chief Secretary, Haryana Govt. Letter No.34/1/2004-4 GSI dated 26 August-2014. Copy enclosed as **Annexure R-2/1** In view of this, the policy relied upon by the petitioner is not applicable in this case because as per decision of the Haryana Govt. Now the petitioner will be retired on 31.7.2017.

8. That the contents of para no.8 of the petition are wrong and incorrect, hence denied. As a matter of fact, there are complaints against the respondent No.3 regarding committing serious irregularities by him while posted at Sirsa unit and in one of the case, respondent Np.3 has been awarded punishment of stoppage of one increment with cumulative effect, vide order dated 28.5.2014, copy enclosed as **ANNEXUREQ R2/2**. Now in order to shift the respondent No.3 from Sirsa unit, it was necessary to transfer the petitioner in his place. The transfer of the petitioner is not a punishment rather the same has been done on administrative grounds.

9. That the contents of para no.9 of the petition are wrong and incorrect, hence denied. As stated above, Haryana Seeds Development Corporation is an independent corporate body and the policy Annexure P2 relied upon by the petitioner is not binding upon the Haryana Seeds Development Corporation. No doubt, the petitioner is due to retire on 31.7.2014 on attaining the age of superannuation i.e. 58 years. However, vide Chief Secretary, Haryana govt. Letter No.34/1/2004-4 GSI dated 26 August-2014. Copy enclosed as **Annexure R-2/1**. have enhanced the age of retirement of its employees from 58 to 60 years. In view of this, the policy relied upon by the petitioner is not applicable in this case because as per decision of the Haryana Govt. the petitioner will be retired on 31.7.2017. As a matter of fact, there are complaints against the respondent No.3 regarding committing serious irregularities by him while posted at Sirsa unit and in one of the case, respondent Np.3 has been awarded punishment of stoppage of one increment with cumulative effect, vide order dated 28.5.2014. Now in order to shift the respondent No.3 from Sirsa unit, it was necessary to transfer the petitioner in his place. The transfer of the petitioner is not a punishment rather the same has been done on administrative grounds.

10. That the contents of para no.10 of the petition are misleading and hence denied. No such representation is appended with the writ petition.

11. That the contents of para no.11 of the petition are wrong and incorrect, hence denied. Sub-paras (1) and (b) as stated are wrong and incorrect, hence denied. No doubt, the petitioner is going to be retired on 31.7.2015. However, However, that the retirement age of the employees have enhanced from 58 to 60 years, vide Chief Secretary, Haryana govt. Letter No.34/1/2004-4 GSI dated 26 August-2014. Copy enclosed as **Annexure R-2/1**. In view of this, the policy relied upon by the petitioner is not applicable in this case because as per decision of the Haryana Govt. the petitioner will be retired on 31.7.2017. As a matter of fact, there are complaints against the respondent No.3 regarding committing serious irregularities by him while posted at Sirsa unit and in one of the case, respondent Np.3 has been awarded punishment of stoppage of one increment with cumulative effect, vide order dated 28.5.2014. Now in order to shift the respondent No.3 from Sirsa unit, it was necessary to transfer the petitioner in his place. The transfer of the petitioner is not a punishment rather the same has been done on administrative grounds.

12. That the contents of para No.12 of the writ petition as stated are wrong and incorrect, hence denied. No law points are involved in this case to invoke the extraordinary jurisdiction of the Hon’ble High Court.

13. That the contents of para No.13 of the writ petition are wrong and incorrect, hence denied. The petitioner is not competent to file the present writ petition.

14. That the contents of para No.14 denied for want of knowledge.

In view of the submissions made above, it is respectfully prayed that the present writ petition may kindly be dismissed with costs being devoid of any merits.

***CHANDIGARH* Arachana, Sood*, Chief***

***Dt: Manager(P&A), Haryana Seeds Development Corporation Limited, Panchkula on behalf of respondent No.2***

THROUGH COUNSEL

***( SURESH AHLAWAT )***

***ADVOCATE***

***COUNSEL FOR RESPONDENT NO.2***

**VERIFICATION:-**

Verified that the contents of para no.1 to 3 of Preliminary Submissions as well as Paras 1 to 11, 13 and 14 of the written statement are true and correct to my knowledge and information derived from the official record and that of contents of para No.12 of written statement are based on legal advice of my counsel which is believed to be correct. No part of it is false and nothing has been concealed therein.

***CHANDIGARH* Arachana, Sood *Chief***

***Dt: Manager (P&A), Haryana Seeds Development Corporation Limited, Panchkula on behalf of respondent No.2***

***IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH.***

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**I N D E X**

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| --- | --- | --- | --- | --- |
| Sr.No | Particulars | Dated | Pages | CourtFee |
| 1. | Written statement on behalf of respondents No.2 | 25.8.2014 | 1-8 | - |
| 2. | Annexure R2/1: Policy | 29.8.2014 | 9 |  |
| 3. | Annexure  R-2/2: Order | 28.5.2014 | 10-11 |  |
| 4 | Power of Attorney |  |  |  |
|  |  |  |  |  |
| 5 | Total court fee |  |  |  |

***CHANDIGARH (SURESH AHLAWAT)***

***DT:25.8.2014 ADVOCATE***

***COUNSEL FOR RESPONDENT NO.2***

ANNEXURE R2/1

***HARYANA SEEDS DEVELOPMENT CORPORATION LIMITED***

***(A STATE GOVERNMENT UNDERTAKING)***

***PANCHKULA.***

No: HSDC(ESTT)IF-892/2014/

Dated: 30.5.14.

***ORDER***

Shri Krishan Kumar, Store Clerk, HSDC, Sirsa was charge sheeted vide memo No. HSDC(ESTT)IF-892/2013/12777, dated 21.10.2013 under Regulation 6.4 of HSDC Employees Service Regulations, 1989 on account of:

“violation of instructions-of Head Office viz.a-viz violation of provisions of Seed Act, manipulating the record, dereliction of duties, hiding of lead seal for personal gains in connivance with the ASO and damaging the reputation of the Corporation which is a serious offence”.

Shri Krishan Kumar submitted his reply to the said charge sheet on 23.12.2013 and the same was examined carefully with regard to facts, circumstances & record. His reply was not found satisfactory. However, before taking final decision in the case, an opportunity of personal hearing was given to him on 16.5.2014. During hearing Shri Krishan Kumar, Store Clerk failed to produce any new document/evidence and he reiterated what he submitted in his reply to the charge sheet.

Considering the totality of the facts and the circumstances as well as the record it is felt that being Store Clerk at Sirsa unit, he is also responsible for the lapses/irregularities committed in the store/godowns. Therefore, punishment of stoppage of one increment with cumulative effect is awarded to him.

Sd/- MANAGING DIRECTOR

28.5.2014

CC to:

1. Shri Krishan Kumar, Store Clerk, HSDC, Sirsa.

2. EA-II to EA-V/CT.

3. Personal File/Guard File.

True copy

ADVOCATE