

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA No. 725 of 2014 (O&M) in
CWP No. 8138 of 2012
Date of decision: 14.01.2015**

The State of Haryana and othersAppellants

versus

ASI Krishan Singh Respondent

**CORAM : HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE DEEPAK SIBAL**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ravi Dutt Sharma, DAG, Haryana
for the appellants.

Mr. Rakesh Lamba, Advocate
for the respondent.

DEEPAK SIBAL, J.

The present intra Court appeal filed under Clause X of the Letters Patent has been filed by the State of Haryana to challenge the judgement dated January 15, 2014, passed by a learned Single Judge of this Court, allowing the writ petition filed by the respondent.

The respondent approached this Court seeking quashing of the notice dated 29.02.2012 (Annexure P-4), through which he had been retired from service compulsorily. The main grievance raised by the respondent was that he could have been compulsorily retired under Rule 9.18 (2) of the Punjab Police Rules, 1934 (hereinafter referred to as “the

Rules”) (as applicable to the State of Haryana) only with prior approval of the State Government but in the case in hand no prior approval had been taken and therefore the impugned notice/order compulsorily retiring him was required to be quashed. The learned Single Judge through the judgment under appeal agreed with the submissions made on behalf of the petitioner and having found that no approval of the State Government had been taken before compulsorily retiring the respondent, quashed the impugned notice/order dated 29.02.2012 (Annexure P-4).

While challenging the above order passed by the learned Single Judge, learned Counsel appearing on behalf of the appellant-State submits that notice/order impugned by the respondent had been passed under Rule 9.18 (c) of the Rules, which did not require any approval from the State Government before compulsorily retiring any Police Officer like the respondent.

The submissions made on behalf of the appellant-State required to be considered only to be rejected. We have seen the provisions of Rule 9.18 (c) as also the Notes to Rule 9.18 of the Rules. The relevant Notes are reproduced below:-

*“**Note:-** Appointing authority retired an absolute right to retire any Government servant or after he has attained the age of 55 years without assigning any reason. A corresponding right is also available to such a Government servant to retire on or after he has attained the age of 55 years.*

(2) The Inspector General of Police may, with the precious approval of the State

Government, compulsorily retire any Police Officer, other than an officer belonging to Indian Police Service of Haryana State Police Service who has completed twenty-five years qualifying service, without giving any reasons. An officer who is so compulsorily retired will not be entitled to claim any special compensation for his retirement.”

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“Note 2:- *The officer shall be given an adequate opportunity of making any representation that he may desire to make against the proposed action and such representation shall be taken into consideration before his compulsory retirement is ordered. In all cases of compulsorily retirement of enrolled police officers, the Inspector General of Police shall effect such retirement only with the previous approval of the State Government in accordance with the instructions, if any, issued by the Government on the subject from time to time”.*

A perusal of the above Notes to Rule 9.18 of the Rules leave no manner of doubt in our minds that the order of compulsorily retirement can only be passed with previous approval of the of the State Government, in accordance with the instructions, if any, issued by the State Government on the subject from time to time. Neither any approval nor any instructions made by the Government in this regard were shown by the State to the learned Single judge nor any have been shown to us.

In view of the above, we have no reason in fact or in law to interfere with the well reasoned order of the learned Single Judge under appeal.

Resultantly, the present appeal stands dismissed.

No costs.

(SATISH KUMAR MITTAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

January 14, 2015

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