

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

RSA No. 3029 of 2010 (O&M)  
Date of decision : November 17, 2017

Surjit Singh, SI

..... Appellant

v.

State of Punjab and others,

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Balbir Singh, Advocate  
for the appellant.

Mr. HS Sitta, AAG Punjab

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**Ajay Tewari, J (Oral)**

This appeal has been filed against the concurrent judgments and decrees of the Courts below dismissing the suit of the appellant wherein he had claimed that his retirement at the age of 55 years was illegal.

The appellant joined as Constable on 13.1.1965 and was promoted as Head Constable on 25.4.1971 and as ASI in the year 1981. Thereafter, he was promoted as Sub Inspector on 8.7.1982. Since the work and conduct of the appellant did not remain satisfactory and his ACRs for the years 1973, 1978-79, 1.4.1979 to 30.9.1979, 1.4.1986 to 2.3.1987, 1.4.1990 to 23.11.1990, 1.12.1994 to 31.3.1995 and 1.4.1995 to 8.1.1996 were not satisfactory, the impugned order was passed retiring him at the age of 55 years.

Both the Courts below relied upon Rule 9.15 (3) of the Punjab Police Rules, 1934 which is to the following effect :-

“ Officers other than ministerial, who have attained the age of 55 years should ordinarily be required to retire and should not be retained in service except where unquestionable public grounds for retention exist, and there is no doubt as to the physical fitness of the officer. Extensions may not be granted for any period exceeding one year at a time.”

They further noticed that Rule 9.16 of the said Rules clearly stipulates that any retention beyond the age of 55 years must be by a reasoned order and can be allowed only in exceptional circumstances. They relied upon the judgments of the Supreme Court in Baikuntha Nath Dass and another v. Chief District Medical Officer, Baripada and another 1992(2) SCC 299 and of this Court in State of Punjab v. Gurdas Singh 1998(4) SCC 92 to come to a conclusion that the entire service record had to be seen which included even un-communicated adverse remarks, and consequently held that there was no infirmity in the impugned order.

The second argument raised by the learned counsel is that the impugned order was passed by the Superintendent of Police while the Appointing Authority was Assistant Inspector General of Police. A perusal of the impugned order reveals that the officer is described as SP-cum-AIG.

Counsel for the appellant has further argued that three months' notice was not given to the appellant. A perusal of the impugned order reveals that the appellant was offered three months' salary. In these circumstances, there is no illegality or infirmity in the judgments and decrees of the Courts below. Consequently, finding no merit in this appeal the same is dismissed.

Since the main case has been decided, the pending C.Ms, if

any, also stand disposed of.

November 17, 2017

( AJAY TEWARI )  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |