



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

CWP-3256-2024

Date of Decision: 11.11.2025

Dev Charan

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sunil Kumar Nehra, Senior Advocate with
Mr. Karan Ranjha, Advocate
for the petitioner.

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 06.11.2023 whereby he was retired at the age of 55 years w.e.f. 09.03.2024.

2. The petitioner joined Haryana Police Force as Constable on 29.09.1989. He was promoted from time to time. In 2019, he was holding rank of Exemptee Sub Inspector. He turned 55 years on 09.03.2024. The respondent issued him notice dated 26.10.2023 for retirement. The said notice was followed by order dated 06.11.2023 whereby He was ordered to retire at the age of 55 years. The said order was passed in terms of Rule 9.18(1)(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR').

3. Learned Senior counsel representing the petitioner submits

that petitioner was subjected to departmental inquiries, however, all the inquiries culminated in maximum punishment of censure. He was never finally awarded punishment of forfeiture of increments. The jurisdictional authority in his one ACR has recorded his integrity doubtful. He challenged adverse remarks recorded by jurisdictional authority before Higher Authority. His representation was rejected and he has preferred ***CWP No.27471 of 2023*** before this Court assailing adverse remarks recorded in ACR.

4. *Per contra*, learned State counsel submits that petitioner was found involved in many cases. On three occasions, he was found to be involved in accepting illegal gratification. The Competent Authority before passing order under Rule 9.18(1)(c) of PPR has considered his past record.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. During the course of hearing, learned State counsel produced original office file. Perused the file and is returned to learned State counsel.

7. The power to pass order of premature retirement is an absolute discretion of the competent authority. The said power cannot be exercised in a whimsical and arbitrary manner. There should be application of mind. From the perusal of record, it is evident that competent authority has considered last 10 ACRs of the petitioner. The order has been passed by the competent authority. The authority has also considered pending/concluded departmental proceedings. The said authority has also noticed punishments awarded to petitioner and their

ultimate fate. The Authorities after examining the entire service record have formed an opinion that petitioner should be retired at the age of 55 years. There is neither any allegation nor evidence to the effect that there was mala fide intention on the part of respondents. The order has been passed by competent authority. Multiple times, the petitioner was awarded minor or major punishments. On more than one occasions, he was found involved in accepting illegal gratification. On one occasion, the Reporting Authority of ACR doubted his integrity. As per instructions issued by the State Government, if integrity of an officer is doubtful, he is bound to be retired on attaining the age of 55 years.

8. The object of compulsory retirement of a Government servant is to weed out the dead woods in order to maintain efficiency and initiative in the service as well as to dispense with services of those whose integrity is doubtful so as to preserve purity in the administration.

9. The Supreme Court in ***State of Gujarat v. Umedbhai M. Patel, 2001 (3) SCC 314*** has elaborated principles which ought to be followed in the matters relating to compulsory retirement. The relevant extracts of the judgment read as: -

“11. The law relating to compulsory retirement has now crystallised into definite principles, which could be broadly summarised thus:

(i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest. (ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.

(ii) For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the

entire service record of the officer.

(iii) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.

(iv) Even uncommunicated entries in the confidential record can also be taken into consideration.

(v) The order of compulsory retirement shall not be passed as a short cut to avoid departmental enquiry when such course is more desirable.

(vi) If the officer was given a promotion despite adverse entries made in the confidential record, that is a fact in favour of the officer.

(vii) Compulsory retirement shall not be imposed as a punitive measure.”

10. In the wake of aforesaid judgment, discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

11.11.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No