



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision:27.11.2025

CWP No.5416 of 2023(O&M)

EASI Mahender Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CWP No. 9127 of 2023(O&M)

EASI Mahender Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CWP No. 31487 of 2025(O&M)

Mahender Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ravikant Beniwal, Advocate for
Mr. Baljeet Beniwal, Advocate
for the petitioner(s)
Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana

**JAGMOHAN BANSAL, J. (ORAL)**

1. By this common order, CWP No. 5416 of 2023, CWP No. 9127 of 2023 and CWP-31487 of 2025 are hereby adjudicated as common questions of law and facts are involved.

CWP-5416 of 2023

2. On 29.04.2023, the following order was passed:-

“[1]. Learned counsel for the petitioner contends that the Annual Confidential Report (for short 'the ACR') of the petitioner for the period 16.05.2016 to 02.01.2017 was recorded with doubtful integrity, reliability unreliable and indisciplined officer having average moral character. In the general remarks column, the petitioner was categorized to be below average officer, who is not fit for the job. In the subsequent ACR for the period 16.07.2021 to 25.10.2021, the petitioner was categorized as a disciplined police officer with honest integrity and reliable having good moral character. As a whole, the petitioner was categorized as a good police official. During the period 2016- 2017 to 2020-2021, he remained as a dismissed police official and on appeal, he was reinstated in service vide order dated 12.07.2021 passed by the Director General of Police, thereby reducing the punishment of dismissal to stoppage of five future annual increments with permanent effect.

[2]. The petitioner was charged with the allegation that on 25.06.2016, one Sh. Rajiv H.P.S, Deputy Superintendent of Police, Jhajjar intercepted the call details between mobile Nos. 8199995781 and 9468031192. The mobile No. 8199995781 belonged to one Suresh Chandra Phogat, retired officer from the Central Armed Forces. The mobile No.9468031192



belonged to Vinay Yadav son of Om Parkash resident of Govt. Quarter No.13, Police Line, Jhajjar. The aforesaid quarter was allotted to the petitioner. That is how the mobile No.9468031192 was considered to be having access to the petitioner in some manner.

[3]. In the conversation between the aforesaid two mobile phones, the speakers were talking with each other in the following translated scripted conversation:-

“8199995781:- Youth can do something, I haven't met youth yet, older people are fine.

9468031192:- You should do only one thing as told by them that sit peacefully in the secretariat park, we are in favour of that only. No matter how many public sit in it, go on hunger strike.

“8199995781:- Where is this park in Secretariat. “8199995781:- The one who has

a gate near the tank has a park. It is big enough, 5/6 thousand people can come and set up tents there. That is in a civilized way.

It is peaceful. Sir, what is the policy of the government now that whenever they come on

the road and track, make a videography and file a case against them. 8199995781:- This

government is in its own preparation. You must have read the step I have raised, what I

have written in F.I.R, it is very good in quality. 9468031192:- Very good sir. You are

sitting for service, so come on, if you shot from behind, then there is way to take you to the hospital.

“8199995781:- Hey, if you hit 200 or 500 with your own method, then nothing, but if you follow the method, then what kind of



uniform are you wearing. 9468031192:- Ok sir I will come in the morning.”

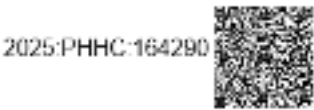
[4]. *Perusal of the aforesaid conversation on the part of the petitioner (though the mobile number is shown to be owned by one Vinay Yadav son of Om Parkash) would prima facie show that there is no incriminating disclosure of fact, rather suggestion was given to do the act in a civilized manner. Ex parte regular enquiry was conducted and as a result of that the petitioner was dismissed from service, which on appeal has been converted into punishment of stoppage of five annual increments with cumulative effect.*

[5]. *With reference to the previous ACRs from 2004 onwards, learned counsel for the petitioner submits that except the solitary adverse entry for the period 16.05.2016 to 02.01.2017, there was no adverse entry in the entire service record of the petitioner and he was always considered to be a good police officer. For the alleged conversation/misconduct, the petitioner has already been punished by way of stoppage of five future annual increments with cumulative effect and further retiring the petitioner compulsorily on the same allegations would be penal in character and would amount to double jeopardy.*

[6]. *Adjourned to 06.09.2023.*

[7]. *Till the next date of hearing, operation of the impugned notices dated 20.01.2023 (Annexure P-5) and 10.02.2023 (Annexure P-7) would remain stayed.”*

3. Learned counsel for the parties are *in tandem* that petitioner retired on 31.08.2025 on attaining the age of 58 years. He continued to work in view of interim orders passed by this Court. As he has retired at the age of 58 years, the petition has rendered infructuous.



4. Dismissed as having been rendered infructuous.

CWP- 9127 of 2023

5. Counsel for the petitioner states that instant petition may be dismissed as not pressed.

6. Dismissed as not pressed.

CWP- 31487 of 2025

7. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.08.2025 (Annexure P-3) whereby respondent has withheld his retiral dues.

8. Learned State counsel, at the outset, submits that petitioner’s dues were withheld on account of pendency of Civil Writ Petition No. 5416 of 2023. In view of disposal of said petition, the Competent Authority would reconsider petitioner’s retiral dues within six weeks from today.

9. Learned counsel for the petitioner agrees to the aforesaid arrangement.

10. In the wake of statement of both sides, the petition stands disposed of.

11. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.11.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No