



CWP-6957-2019

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

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CWP-6957-2019

Date of Decision: 18.11.2025

Subhash Chander

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Dr. Suresh Kumar Redhu, Advocate for the petitioner

Mr. Rajiv Malhotra, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 10.02.2016 whereby his application for reinduction after voluntary retirement was rejected by Commissioner of Police, Faridabad and order dated 29.05.2017 whereby Director General of Police, Haryana dismissed his appeal.

2. The petitioner joined Haryana Police Force as Constable on 08.12.1988. His son died on 01.08.2013. He submitted application dated 21.10.2013 seeking voluntary retirement. The said application was allowed on 31.01.2014. He submitted application dated 31.01.2016 seeking his reinduction in view of Rules 12.24 and 12.25 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short 'PPR'). Commissioner of Police, Faridabad rejected his application vide order dated 10.02.2016. The



petitioner preferred an appeal which came to be dismissed vide order dated 29.05.2017.

3. Learned counsel for the petitioner submits that petitioner's application seeking re-enrollment was rejected in terms of Rule 5.32-B and 3.26-D of Volume II of Punjab Civil Services Rules (as applicable to State of Haryana). Those Rules are inapplicable because petitioner was governed by PPR. As per Rules 12.24 and 12.25 of PPR, the petitioner could be re-enrolled. The respondent did not consider PPR and passed impugned non-speaking orders.

4. *Per contra*, learned State counsel submits that petitioner submitted application seeking voluntary retirement which was accepted on 24.10.2013. The petitioner was allowed to retire w.e.f. 31.01.2014. He submitted application seeking re-enrollment on 31.01.2016 which was rightly rejected in terms of Rule 5.32-B of Service Rules.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. From the perusal of record, it is evident that petitioner joined service in December' 1988 and submitted his application seeking voluntary retirement on 21.10.2013. On the date of filing application, he had already completed qualifying service i.e. 20 years. Rule 9.18(1) of PPR provides for pension in case a police officer is permitted to retire on his application. Relevant extracts of Rule 9.18 read as: -

“9.18. Retiring pension - (1) Notwithstanding anything contained in these rules, a retiring pension is granted to an officer-



- (a) *who is permitted to retire from service after completing qualifying service for twenty-five years or such lesser period as may, for any class of officers, be prescribed; or*
- (b) *who is compulsorily retired under sub-rule (2) after completing twenty five years' qualifying service;*
- (c) *who is retired by the appointing authority on or after he attains the age of 55 years, by giving him not less than three months' notice; or*
- (d) *who retires on or after attaining the age of 55 years by giving not less than three months' notice of his intention to retire to the appointing authority:*

Provided that where the notice is given before the age of fifty-five years so attained, it shall be given effect to from a date not earlier than the date on which the age of fifty-five years is attained.

Note.- Appointing authority retains an absolute right to retire any Government servant on 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.”

7. Learned counsel for the parties could not point out any Rule of PPR which permits for voluntary retirement. Rule 14.11 of PPR provides for resignation. Both sides have further submitted that Rule 5.32-B of Service Rules is applicable in the absence of specific Rule in the PPR and application seeking voluntary retirement was filed as per Service Rules. Rule 5.32-B reads as: -

“5.32-B. (1) At any time a Government employee has completed twenty years' qualifying service, he may, by giving



notice of not less than three months in writing to the appointing authority, retire from service. However, a Government employee may make a request in writing to the appointing authority to accept notice of less than three months giving reason therefore. On receipt of a request, the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government employee shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(2) The notice of voluntary retirement given under sub rule (1) shall require acceptance by the appointing authority subject to rule 2.2 of Pb. C. S. R. Vol. II.

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in sub rule (1) supra, the retirement shall become effective from the date of expiry of the said period.

Provided further that before a Government employee gives notice of voluntary retirement with reference to sub-rule(1) he should satisfy himself by means of a reference to the appropriate authority that he has, in fact, completed twenty years service qualifying for pension.

(3) The qualifying service as on the date of intended retirement of the Govt. employee seeking retirement under this rule or under clause (e) of rule 3.26 of Pb. C. S. R. Vol. I, Part I with or without permission shall be increased by the period not exceeding 5 years subject to the condition that the total qualifying service rendered by the Govt. employee does not in any case exceed 33 years and it does not take him beyond the date of superannuation. The weightage of five years shall not be admissible in cases of those Government employees who are prematurely retired by the Government in public interest under the relevant rules.



(4) A Government employee, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority.

Provided that the request for withdrawal shall be made before the intended date of his retirement.

(5) The pension and death-cum-retirement gratuity of the Government employee retiring under this rule shall be based on the emoluments as defined under rule 6.24 of Punjab Civil Services Rules, Volume II and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for the purposes of calculating pension and gratuity.

(6) The amount of pension to be granted after giving the weightage will be subject to the provisions of rule 6.4 of Punjab Civil Services Rules Volume II.

(7) This rule shall not apply to a Government employee who retires from Government service for being absorbed permanently in an autonomous body or a Public Sector Undertaking to which he is on deputation at the time of seeking voluntary retirement.

Explanation.— For the purpose of this rule the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government employee seeks voluntary retirement."

[Emphasis Supplied]

8. From the perusal of above quoted rule, it is evident that application seeking voluntary retirement may be withdrawn before the intending date of retirement, meaning thereby, an application may be withdrawn even after acceptance of application, however, before the intending date of retirement. In the case in hand, application seeking



was 31.01.2014, thus, as per Rule 5.32-B(4), application could be withdrawn by 31.01.2014. The petitioner did not withdraw his application before last date, thus, as per Rule 5.32-B whereunder he filed application seeking voluntary retirement, he was precluded to withdraw application of voluntary retirement.

9. Learned counsel for the petitioner is relying upon Rule 12.24 and 12.25 of PPR to support of his claim. The matter needs to be examined in the light of said Rules. Rules 12.24 and 12.25 read as:-

“12.24 Enlistment of ex-soldiers, reservists and ex-police officers. (1) Re-enrolment in the rank of constable is permitted and past service will count for pension under the following conditions, and subject to the further conditions as to pensions contained in rules 9.2 and 9.29:-

- (a) Ex-soldiers of the Indian Army and ex-members of police forces (including Military Police), paid for from the general revenues of India, may be enlisted as constables on production of a discharge certificate showing their previous service to have been “good” or of higher classification, and if they fulfill the physical and other standards required by these rules for first appointments. They must also be passed medically fit by the same standards as are applied to recruits.*
- (b) Age of the date of enrolment in the police must be below 30, but ex-Punjab police officers, and, with the special sanction of the Inspector General in each case, ex-soldiers and ex-members of other police forces may be re-enlisted up to the age of 55, if they present themselves for re-enrolment and are found medically fit within two years of their discharge.*



- (c) *The break in service between the date of discharge and between 1st days of the month in which enrolment process is started shall not exceed four years.”*
- (d) *No claim to count previous service for pension shall be allowed unless the previous service claimed was declared and verified at the time of enrolment in the police.*
- (e) *Service in a body of additional police shall be counted for increments in the case of a constable transferred to the regular force immediately on such transfer.*

(2) No class A Army reservist or member of the Indian Territorial Force may be enrolled in the police until he has resigned his appointment in such force.

Cavalry and Infantry reservists of the Indian Army below the age of 30 years may be enrolled, provided that their military service records show good conduct. Such reservists shall not be required to undergo annual military training provided that it is certified that they are trained in drill and fire a musketry course each year. The certificate will be signed by the Assistant Inspector-General, Government Railway Police, Punjab or by the Superintendent of Police of the district in which the reservist is serving.

The ordinary police musketry course is sufficient for this purpose, vide Government of India, Home Department letter No. F-28/11/31-Police, Dated the 22nd September, 1931.

Reservists of other branches of the Indian Army may also be enlisted in the police provided that the conditions of their reserve service and periodical training as laid down in paragraph 170 of the Regulations for the Army in India do not interfere with their police duties.

The total number of all classes of reservists should not exceed five percent of the sanctioned strength of constable in each district. They should be released from employment



immediately mobilization is ordered to enable them to rejoin the colours.

(3) Claims to count service for pension shall when the above conditions are fulfilled, be dealt with as required by rules 9.2, 9.3, and 9.29. In the Case of previous military service, the condonation of breaks and admission to count for police pension require the sanction of the local Government. Such claims must therefore be forwarded through Deputy Inspector-General to the Inspector-General for obtaining such sanction.

(4) Original discharge certificates, character rolls and service books, or such of those documents as may be available, shall be submitted in support of claims under this rule.

Note- A case in which it is desired to appoint a person, with previous military or police service, to a rank of and above that of head constable, shall be decided in the light of so much as is applicable of this rule read with other rules in this chapter.

12.25 Re-enrolment of police pensioners.- *(1) Under the orders contained in Articles 511 to 519, Civil Service Regulations, a police officer who has been discharged with a compensation or invalid gratuity or pension may be re-employed in the police service up to the age of 55 subject to the following conditions:-*

- (a) He may either refund the gratuity or cease to draw pension, in which case he may count his former service for future pension, or he may retain his gratuity or pension in which case he cannot count his former service towards future pension.*
- (b) He shall be re- examined by the Civil Surgeon of the district in which he has been re-employed and certified as medically fit for service, and shall produce a discharge certificate showing*



that his previous service was classed as not lower than “good”.

(2) The order re-enrolling such officer shall specifically state the amount of any gratuity, bonus or pension received by him on discharge, and a copy of such order shall be communicated to the Accountant-General. Directions shall also be given, if necessary, for the proper deductions to be made from his pay.”

10. The petitioner, at the time of filing application for voluntary retirement, was holding rank of Head Constable. He was intending to be re-enrolled as Head Constable. Rule 12.24 of PPR is applicable to Constable. Rule 12.25 provides for re-enrollment of an officer who has been discharged with a compensation or invalid compensation or gratuity upto the age of 55 years. The said Rule is applicable if police officer has been discharged with a compensation or invalid gratuity or pension. As per conditions prescribed under Rule 12.25(1), an officer must have been discharged with a certificate disclosing his character not lower than good. There is nothing on record disclosing that the petitioner was discharged. Both sides are conceding that petitioner was permitted to retire on his application seeking voluntary retirement. There is also nothing on record disclosing that he was issued discharge certificate with a declaration that his character was not lower than good. In these circumstances, it is not possible to rely upon Rule 12.25 of PPR.

11. There is another aspect of the matter. The application seeking re-enrollment was filed in 2016 and a period of 9 years has already passed away. The petitioner sought voluntary retirement on completing qualifying service, thus, must have received pension.

12. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merits deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

18.11.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No