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

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**CWP-11905-2020 (O&M)**  
**Date of Decision: 24.12.2025**

Ishwar Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. R.K. Malik, Senior Advocate with  
Mr. Sandeep Dhull, Advocate  
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

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

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:

- (i) Premature retirement notice dated 03.01.2020; and
- (ii) Order dated 13.04.2020 whereby he was relieved from service.

2. The petitioner by impugned notice/orders dated 03.01.2020 and 13.04.2020 was ordered to retire at the age of 55 years. Order was passed in exercise of power conferred by 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 respondent as per Government instructions, considered petitioners' 10 ACRs and formed an opinion that he should be retired at the age of 55 years because his integrity was doubted in one ACR. ACR where remarks

of doubtful integrity were recorded related to period from 01.04.2014 to 22.11.2014. He was placed under suspension vide order dated 24.06.2014. The said order remained in force till 09.03.2015. He was reinstated w.e.f. 10.03.2015. The suspension period could not be considered for writing ACR. The Senior Officer supervised his work for less than three months and as per Government instructions, Supervisory Authority cannot write ACR if subordinate has not worked with him for at least three months. As petitioner did not work with Supervisory Authority for minimum three months, he had no authority to write ACR for seven months and record adverse remarks. The impugned order of retirement is stigmatic because Superintendent of Police (SP), Panipat in the impugned order has recorded that petitioner is indisciplined and his integrity is doubtful. He is below average Officer as per ACR for the period from 01.04.2014 to 22.11.2014. As impugned order is stigmatic, it is liable to be set aside. Hon'ble Supreme Court in ***R.K. Panjetha Versus Haryana Vidyut Prasaran Nigam Ltd., 2002(10) SCC 590*** and Division Bench of this Court in ***S.B. Panihar Versus Haryana Vidyut Prasaran Nigam Limited, 2002(2) SLR 490*** has clearly held that order of retirement cannot be stigmatic.

4. *Per contra*, learned State counsel submits that petitioner has not challenged adverse remarks recorded in ACR. He filed representation which was rejected, thus, adverse remarks recorded in ACR have attained finality. As per Government instructions, if integrity of an Officer is doubtful in any ACR for last ten years, he is liable to be retired at the age of 55 years. A period of five years from the date of impugned order has passed away. He was relieved in 2020 and paid his retiral dues.

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

6. 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 after examining the entire service record 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. He was found involved in accepting illegal gratification. On one occasion, the Competent Authority doubted his integrity and recorded adverse remarks in his ACR. 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.

7. 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.

8. 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.”*

9. It is correct that order passed under Rule 9.18 (1)(c) of PPR cannot be stigmatic, however, in the instant case, interference is not warranted because integrity of the petitioner was found doubtful. As per State Government instructions dated 11.06.2019, an employee whose integrity is doubtful cannot be retained beyond 55 years. The petitioner is claiming that ACR was recorded by an unauthorized person. He had worked for less than three months with Supervisory Officer, thus, said Officer could not record his ACR. The petitioner filed representation against adverse ACR which stands rejected. He has not challenged adverse remarks in his ACR, thus, Court cannot comment upon his

adverse ACR.

10.           There is another aspect of the matter. The respondent by impugned notice/order retired the petitioner on attaining the age of 55 years. Said order was passed on 13.04.2020. Had the impugned order not been passed, the petitioner would have worked for three more years. The extended period has passed away. He was part of Haryana Police Force and his service was pensionable, thus, he must have received pension which is 50% of last drawn salary. He had not worked during said period, thus, at this stage, no interference is warranted.

11.           In the wake of aforesaid discussion and findings, the instant petition deserves to be dismissed and accordingly dismissed.

12.           Pending application(s), if any, shall also stand disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**24.12.2025**  
*Prince Chawla*

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |