



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

**CWP No. 11765 of 2025
Date of Decision: 03.07.2025**

Naresh Kumar

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lalit Rishi, Advocate
for the petitioner

Mr. Raman Sharma, Addl. A.G., 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 05.04.2025 whereby he has been compulsorily retired on attaining the age of 55 years.

2. The petitioner joined Haryana Police Force as Constable on 03.10.1989. He, from time to time, was promoted to higher ranks. At the time of passing the impugned order, he was holding the rank of Sub Inspector. He was implicated in FIR No. 1 dated 10.02.2021, under Section 7 of the Prevention of Corruption Act, 1988, registered at State Vigilance Bureau, Rohtak. On account of aforesaid FIR, regular departmental enquiry was initiated against him. He filed CWP No. 8486 of 2021 before this Court. This Court issued notice of motion and further stayed departmental



proceedings vide order dated 20.04.2021. The Reporting Authority recorded adverse remarks in his ACR for the period from 01.04.2020 to 31.03.2021. He filed representation before competent authority assailing the adverse remarks recorded in his ACR. The Reporting Authority further recorded adverse remarks in his ACR for the period from 01.04.2021 to 25.10.2021. He preferred representation before competent authority assailing adverse remarks in his ACR. He came to be implicated in another FIR No. 12 dated 16.05.2022, under Section 7 of the Prevention of Corruption Act, 1988, registered at State Vigilance Bureau, Gurugram. The department initiated enquiry against him on account of aforesaid FIR. He preferred CWP No. 19966 of 2022 before this Court assailing departmental proceedings. This Court issued notice of motion, however, permitted department to carry on with the enquiry proceedings without recording evidence of common witnesses. The Reporting Authority on account of aforesaid FIRs recorded adverse remarks in his ACR for the period from 21.04.2022 to 28.07.2022. The respondent vide notice-cum-order dated 18.12.2024 ordered to compulsorily retire him at the age of 55 years. He preferred CWP No. 2766 of 2025 before this Court assailing order of compulsory retirement. This Court vide order dated 13.02.2025 set aside order of compulsory retirement on the ground of order being stigmatic. The respondent was granted liberty to pass fresh order in accordance with law. The respondent has passed fresh order dated 05.04.2025 whereby petitioner has been ordered to be compulsorily retired.

3. Mr. Lalit Rishi, Advocate submits that petitioner's representations against adverse remarks in ACRs are still pending and



competent authority is not adjudicating those representations. The impugned order has been passed on the basis of pending FIRs and adverse remarks in ACRs. The impugned order deserves to be set aside till the adjudication of representations filed by the petitioner. He further submits that Superintendent of Police was not the competent authority to pass the impugned order.

4. On the asking of Court, the respondent produced original official record with respect to the impugned order. I have gone through the same.

5. From the perusal of original record, it is evident that petitioner is facing two criminal cases as well as two departmental proceedings. There are adverse entries qua integrity in his ACRs. This Court vide judgment dated 13.02.2025 passed in the case of petitioner himself has held that Superintendent of Police is competent authority to pass order under Rule 9.18(1)(c) of Punjab Police Rules, 1934 (as made applicable to State of Haryana). The petitioner has accepted said order. He has rather availed benefit arising out of said order.

6. 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.

7. The Supreme Court in **State of Gujarat Versus 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.

(iii) 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.

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

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

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

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

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

8. The impugned order is not stigmatic and competent authority has considered petitioner's 10 years ACRs as well as service record before passing the impugned order. There is compliance of procedure prescribed by law. There is no infirmity in the impugned order warranting interference.



9. In view of the above discussion and findings, the instant petition being devoid of merit deserves to be dismissed and accordingly dismissed.
10. The original official record is returned to Mr. Raman Sharma, Addl. Advocate General, Haryana.

(JAGMOHAN BANSAL)
JUDGE

03.07.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	