



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

CWP-13623-2025

Date of Decision:-21.05.2025

Baljeet Singh

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mohinder Pal, Advocate
for the petitioner.

Ms. Rajni Gupta, 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 24.03.2025 whereby he has been compulsorily retired from immediate effect on attaining age of 55 years.

2. The petitioner joined Haryana Police Force as Constable on 25.07.1992. He from time to time was promoted and at the time of passing order was holding rank of EASI. The respondent vide order dated 18.12.2024 ordered to compulsorily retire him. The said order was based upon punishments awarded to him. The respondent while passing said order noticed punishments awarded to him and thereafter concluded that he should be compulsorily retired. He preferred **CWP-2327-2025** before this Court which was disposed of alongwith connected petitions vide judgment dated 13.02.2025. The writ petition was allowed on the ground that impugned order was stigmatic. The respondent was granted liberty to

pass fresh order in accordance with law. The respondent has passed fresh order dated 24.3.2025 whereby petitioner has been compulsorily retired. He was relieved on 24.03.2025.

3. Mr. Mohinder Pal, Advocate submits that petitioner was issued show cause notice and the moment he filed reply, impugned order came to be passed. The impugned order is nothing more than reiteration of show cause notice. The respondent has not considered past service record of the petitioner. He has served for 24 years. He has unblemished service record. He has filed mercy petition before Government against order of Director General of Police whereby his petition seeking removal of adverse remarks in ACR has been dismissed. He has also made prayer in this petition to set aside adverse remarks in the ACR.

4. During the Course of hearing, Ms. Rajni Gupta, Addl. A.G., Haryana produced original file.

5. I have heard learned counsel for the parties and perused the file.

6. From the arguments of petitioner as well as perusal of original file, it is evident that petitioner had worked for 24 years with respondent. He was embroiled in FIR No.360 dated 20.08.2020 registered under Sections 420, 467, 468, 471, 201, 120-B IPC and Section 12(1)(b) of Passports Act, 1967 at Police Station City Tohana. The trial arising out of said FIR is still pending. There is one ACR wherein his integrity is doubted. There are other occasions when he was subjected to minor punishment.

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.

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. Non retention beyond 55 years is not punitive. It is discretion of appointing authority to retain or retire an employee upon attaining age of 55 years. The impugned order is not stigmatic. The respondent has duly considered past service record of the petitioner and thereafter formed an opinion that he should be compulsorily retired. There seems no procedural or legal infirmity in the impugned order warranting interference.

9. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition being bereft of merit deserves to be dismissed and accordingly dismissed. It is made clear that dismissal of this petition would not affect petitioner's application pending before Government *qua* adverse remarks in ACR.

10. The original file is returned to Ms. Rajni Gupta, Addl. A.G., Haryana

(JAGMOHAN BANSAL)
JUDGE

21.05.2025

Prince Chawla

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