



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision:11.12.2025

CWP No. 14152 of 2023(O&M)

ASI Rawat Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CWP No. 32544 of 2025 (O&M)

ASI Rawat Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sunil K.Nehra, Senior Advocate with
Mr. Viren Nehra, Advocate
for the petitioner in CWP- 14152 of 2023

Mr. Sandeep Goyat, Advocate
For the petitioner in CWP- 32544 of 2025

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No.14152 of 2023 and CWP
No.32544 of 2025 are hereby adjudicated as common questions of law and



facts are involved. With the consent of both sides, facts are borrowed from CWP No. 32544 of 2025.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 25.08.2025 (Annexure P-18) whereby he was ordered to retire on attaining the age of 55 years.

3. The impugned order dated 25.08.2025 has been passed after setting aside of earlier order dated 31.07.2025 by this Court vide order dated 21.08.2025 passed in CWP-23425-2025. For the ready reference impugned order being a short order is reproduced as under :-

“ **THREE MONTHS NOTICE FOR RETIREMENT**

The Hon'ble High Court of Punjab and Haryana, Chandigarh vide order Jated 21.08.2025 in CWP No. 23425 of 2025 titled as Rawat Singh versus State of Haryana and others, has set-aside this office order No. 39134-42 dated 31.07.2025 in c/w retiring pension of ASI Rawat Singh No. 1130/HSR, with liberty for the respondent to pass fresh order, if any, in accordance with law.

Accordingly, you, ASI Rawat Singh No. 1130/HSR posted in this Police District Hansi, have attained the age of 55 years on 15.05.2025, being the date of birth 16.05.1970. Your case for extension in service beyond the age of 55 years has been considered by the department in the light of relevant rules, and it has been found that you are not eligible for retention in service in the department beyond the age of 55 years. Hence, keeping in view of above, your service is not required by the department beyond the age of 55 years in the public interest.

Therefore, undersigned is hereby served upon you a notice for retirement on or after attaining the age of 55



years, in pursuance with the provisions contained in rule 9.18 (1)(C) of the Punjab Police Rules 1934 (as applicable to the Haryana State), that you ASI Rawat Singh No. 1130/HSR shall stand retired from Government service after attaining the age of 55 years w.e.f. 24.11.2025.”

4. The petitioner in 2020 was holding post of Assistant Sub-Inspector. He was In-charge of Police Post Kheri Chopta, District Hansi. Head Constable Kulbir Singh was also posted at the said Police Post. Kulbir Singh alleging possession of illicit liquor detained Mandeep Singh and thereafter brought him to Police Station. Mandeep Singh was later on released and FIR No.344 dated 04.08.2020 against unknown persons was registered. The petitioner registered Rapat No.17 dated 04.08.2020. As per the said Rapat, the petitioner recorded that Head Constable Kulbir Singh has not registered FIR against Mandeep Singh and it has been registered against unknown persons though six bottles of illicit liquor were recovered from Mandeep Singh. The respondent initiated a joint departmental inquiry against the petitioner and Kulbir Singh. The respondent formed an opinion that petitioner despite being In-charge of the Police Post failed to perform his duties. Kulbir Singh with the consent of petitioner accepted a sum of Rs.15,000/- from family members of Mandeep Singh and released him. The Disciplinary Authority vide order dated 15.01.2021 inflicted punishment of stoppage of two future annual increments with temporary effect upon the petitioner. Similar punishment was awarded to HC Kulbir Singh. He filed an appeal which came to be rejected by Appellate Authority vide order dated 13.04.2021. The respondent vide order dated 30.09.2021 recorded adverse remarks in his ACR on the ground of awarded punishment. He preferred



revision against aforesaid order of punishment which came to be dismissed by DGP vide order dated 28.07.2022. He filed representation against adverse remarks recorded in his ACR. His representation came to be rejected vide the order dated 26.12.2022 passed by respondent. He filed CWP-14152-2023 before this Court assailing order of punishment and adverse remarks recorded in his ACR. During the pendency of said petition, the respondent formed an opinion that petitioner should be retired on attaining the age of 55 years as per Rule 9.18(1)(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana). The petitioner is assailing order of retirement.

5. Learned senior counsel for the petitioner submits that allegation against the petitioner underpinning multiple punishments is demand of bribe of ₹20,000/- from Mandeep @ Deepa son of Prem resident of village Kapro. Mandeep was detained and brought to Police Station by Head Constable Kulbir Singh as 6-7 Litres illicit liquor was seized from his field. Head Constable Kulbir Singh released Mandeep and registered FIR under Excise Act against unknown persons. A departmental inquiry was initiated against the petitioner alleging that he was in charge of the police station and had asked Head Constable Kulbir Singh to release Mandeep after accepting ₹20,000/-. Head Constable Kulbir Singh released Mandeep after accepting ₹15,000/-. Petitioner being in charge of Police Station was responsible for the release of Mandeep. The bribe was demanded and recovered on his directions. In the departmental inquiry, Head Constable Kulbir Singh was awarded forfeiture of two increments with temporary effect. He was also awarded punishment of forfeiture of two increments with temporary effect. He has been made to retire at the age of 55 years on the basis of adverse



Annual Confidential Report ('ACR'). The competent authority downgraded his ACR for the period from 01.10.2020 to 31.03.2021 on the ground that he has been awarded punishment of forfeiture of two increments. His integrity was recorded as 'doubtful' and over all performance as 'average'. He recorded Rapat No.17 dated 04.08.2020 clarifying his stand. He made it clear in the Rapat that Kulbir Singh has not registered FIR against the culprit and FIR has been registered against unknown persons though 6 bottles of liquor was recovered from Mandeep Singh. The petitioner does not press his prayer qua setting aside of punishment of forfeiture of 2 increments with temporary effect.

6. *Per contra*, learned State counsel submits that aforesaid Rapat was recorded just to save his skin. The petitioner was in-charge of the Police Post, thus, he was responsible for illegal act which was committed on 04.08.2020. The oral evidence disclosed that Mandeep Singh was brought to the Police Post and thereafter released on payment of Rs.15,000/- to Kulbir Singh. The petitioner was well aware of aforesaid transaction rather transaction was made at his behest. He was equally responsible and guilty as Kulbir Singh.

7. On being asked, Learned State counsel conceded that alleged illegality of release of Mandeep Singh after acceptance of Rs.15,000/- was unearthed after one week from the date of alleged incident.

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

9. From the perusal of record, especially reply filed by respondent, it is evident that petitioner was subjected to punishment of forfeiture of two



increments, adverse entry in ACR and retirement at the age of 55 years on the sole ground that while he was in-charge of Police Post, Mandeep Singh was released despite having been apprehended with six bottles of illicit liquor. The petitioner during the course of arguments specifically pointed out Rapat No.17 dated 04.08.2020 wherein it was recorded that Mandeep Singh has been given clean chit and unknown persons have been implicated. FIR was registered on 04.08.2020. Rapat was registered in the late hours and FIR was registered during wee hours. It is undisputed that alleged misconduct of acceptance of bribe and release of Mandeep Singh was detected after one week from the date of alleged incident. The petitioner registered Rapat on the same date of alleged incident which indicates that the petitioner may or may not have connived with Kulbir Singh, however, he cleverly or intelligently recorded aforesaid Rapat disclosing that Mandeep was brought to Police Post and thereafter released by Kulbir Singh and FIR was registered against unknown persons. In the absence of concrete evidence to the effect that petitioner recorded said Rapat after coming to know that matter has come in the knowledge of higher officers and there is likelihood of action, it cannot be concluded that petitioner was aware of future action and he registered Rapat just to save his skin. The adverse remarks were recorded in his ACR on account of aforesaid incident. The petitioner has succeeded to establish that he may be guilty of negligence, however, his integrity was not doubtful. The adverse remarks qua integrity recorded in his ACR deserve to be set aside and accordingly set aside.

10. The petitioner has been ordered to retire at the age of 55 years on account of adverse remarks in his ACR. The State Government has issued



instructions with respect to retirement of employees at the age of 55 years.

The parameters laid down in the Instructions dated 05.02.2019 issued by State Government read with letter dated 08.10.2020 of DGP, Haryana are reproduced as below :

Instructions dated 05.02.2019:

“Parameters for premature retirement or continuing in service:

It is not possible to specify the guidelines and manner in which the performance of a Government employee is to be assessed, since the requirements of a particular position occupied by a Government employee will only be known better to the Department concerned and these requirements will vary from one position to another. However, the parameters to be following by the competent authority based on the pronouncements of Supreme Court and High Courts are as under:-

(a) The competent authority must apply its mind independently to the record of the employee and from an opinion about the suitability and the desirability of continuing an employee/officer in the service after completing prescribed age or qualifying service.

(b) The competent authority is required to make an objective assessment/evaluation of the work, conduct and performance of the employee, as reflected in his service record, in order to determine whether he should be retired before the age of superannuation.

(c) Service record of last 10 years should be taken into account and out of this 50% ACR in case of retention beyond 50 years and 70% ACRs in case of retention beyond 55 years or on completion of 25 years qualifying service, should be 'Good' or above.



(d) A Government employee against whom disciplinary proceedings were pending but now decision has been taken and now no departmental/Vigilance enquiry is pending against him, may be considered for extension in service.

(d) A Government employee whose integrity has been doubted during last ten years of service will be retired prematurely, however, the doubtful integrity during the period of service before last 10 years will be ignored.

(e) No employee should ordinarily be retired on the grounds of ineffectiveness if his service during the preceding 5 years, or where he has been promoted to a higher post during that 5 years' period, his service in the promotional post, has been found satisfactory.

(f) Government employee, who is found to be ineffective may be considered for premature retirement. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he is holding.”

Letter dated 08.10.2020 of Director General of Police, Haryana:

“Sub: Extension in service beyond the age of 55 years.

Memo

Please refer to this office memo No. 7487-7590/E-(III)(2) dated 11.06.2019 on the subject cited above.

2. It has come to the notice that some police units have forwarded cases of police personnel for extension in service beyond the age of 55 years to this office for decision, citing provisions in Haryana Civil Services Rules - 144 issued by the State Government vide their letter No. 32/06/2018-4GSI dated 05.02.2019.

3. In this connection your attention is invited to last paragraph of letter No. 7487-7590/E-III (2) dated



11.06.2019 wherein it has clearly been mentioned that no reference of Civil Service Rules should be made in Show Cause Notice as also in retirement orders.

4. Further, it is intimated that under PPR 9.18 (1), appointing/competent authority has been given power to consider case of police personnel for retirement after attaining age of 55 years. Therefore, case(s) of all the employee(s) are considered by the appointing/competent authority(s) on or after attaining the age of 55 years. Hence, decision to grant extension In service to the police personnel after attaining the age of 55 years will be taken by the authority(s) as It was being taken earller, i.e. before Issuance of instruction dated 05.02.2019. However, criteria/parameters laid down in the Instruction dated 05.02.2019 shall be considered for taking decision in this regard.”

11. From the written statement as well as arguments of State counsel, it is evident that impugned order of retirement has been passed relying upon aforesaid instructions whereby it has been laid down that if integrity of an employee is doubted in any of last 10 years' ACRs, he may be retired at the age of 55 years. The petitioner by impugned order has been ordered to retire because of one adverse entry in his ACR with respect to integrity. The adverse remarks recorded in ACR stands hereinabove deleted, thus, foundation of impugned order ceases to exist.

12. In the wake of above discussions and findings, petitions are partially allowed. The impugned orders dated 25.08.2025 (Annexure P-18) (in CWP No. 32544 of 2025) and 30.09.2021 (Annexure P-7) (in CWP-14152-2023) are hereby set aside.



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

(JAGMOHAN BANSAL)
JUDGE

11.12.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	