



CWP-25666-2015

1

105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25666-2015

Date of Decision:06.03.2025

GHEESA RAM

..... Petitioner

Versus

STATE OF HARYANA & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vikas Mohan Gupta, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of orders dated 22.12.2014 (Annexure P-1) and letter dated 16.12.2014 (Annexure P-12) whereby he has been compulsorily retired from service upon attaining the age of 55 years.

2. The petitioner joined Haryana Police as Constable in 1976. He was promoted to higher ranks from time to time. In 2014, he was holding rank of Sub-Inspector. He came to be compulsorily retired by Deputy Commissioner of Police, Faridabad vide order dated 22.12.2014. The order dated 22.12.2014 is reproduced as below:

“Notice of Retirement

ORDER

Whereas, I Phool Kumar, HPS, Deputy Commissioner of Police, Headquarters, Faridabad is of the opinion that it is



in the public interest to retire you SI Gheesa Ram No.6/SR from service after attaining the age of 55 years by giving three months notice in pursuance of the provision contained in Rule 5.32 A(C) of the Punjab Civil Service Rules, Volume-II and rule 3.26(d) of the Punjab Civil Services Rules, Volume-I, Part-I as applicable to State of Haryana read with 9.18(c) of PPR on the grounds of your chequered service record.

I Phool Kumar, HPS, Deputy Commissioner of Police, Headquarters, Faridabad in the public interest hereby order that you SI Gheesa Ram No.6/SR shall stand retired from service under the State Govt. of Haryana on the expiry of 03 months from the date of receipt of this notice.

*Sd/- Dy. Commissioner of Police
Hqrs, Faridabad*

No.393327 Dated: 22.12.14

SI Gheesa Ram No.6/SR

Through OSI, Faridabad”

3. Mr. Vikas Mohan Gupta, Advocate for the petitioner submits that impugned order is stigmatic, thus, is liable to be set aside because it is a settled principle of law that order of compulsory retirement cannot be stigmatic. The order dated 16.12.2014 (Annexure P-12) indicates that respondent has considered past service record of the petitioner especially the occasions where he was subjected to punishment. The respondent by noticing different punishment orders has made impugned order punitive instead of simple order of compulsory retirement.

4. *Per contra*, Mr. Raman Sharma, Addl. AG, Haryana submits that letter dated 16.12.2014 (Annexure P-12) is a communication between Inspector General of Police (for short, ‘IGP’) and Commissioner of Police. One authority has forwarded record of the petitioner to another authority. It was internal communication wherein service record of the



petitioner was contemplated for the purpose of granting extension beyond 55 years.

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

6. From the perusal of order dated 22.12.2014 (Annexure P-1) which is communicated to the petitioner, it is evident that it is not stigmatic and it has been passed by Competent Authority in exercise of power conferred by Rule 9.18(1)(c) of Punjab Police Rules, 1934 (for short, 'PPR') (as applicable to State of Haryana). The letter dated 16.12.2014 (Annexure P-12) cannot be termed as order whereas it is internal communication between two higher authorities. IGP has shared service record of the petitioner to Commissioner of Police. It is settled law that order of compulsory retirement should be non-stigmatic, however, authorities are bound to consider past service record of the employee. The letter dated 16.12.2014 (Annexure P-12) indicates that authorities considered record of the petitioner. He was not privy to said communication. He was served with impugned order dated 22.12.2014 (Annexure P-1) whereby he was ordered to be compulsorily retired on attaining the age of 55 years. The contention of petitioner that his 10 years ACRs were not considered is irrelevant. The communication dated 16.12.2014 (Annexure P-12) indicates that higher authorities have considered his good number of years service record.

7. The object of compulsorily 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. The impugned order was passed in 2014 and a period of



more than 10 years has passed away. Under PPR read with Civil Services Rules, normal retirement age of an employee is 55 years, however, State Government may grant extension upto the age of 58 years. The petitioner has already attained the age of 58 years. He was entitled to pension because he was not subjected to punishment of dismissal from service whereas it is a case of compulsory retirement on attaining the age of 55 years.

9. In the wake of above discussion, findings and judgment of Supreme Court in *Umedbhai M. Patel (supra)*, the instant petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

06.03.2025
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No