



CWP-25366-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-25366-2017

Date of Decision: 27.11.2025

Zile Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Gunjan Mehta, Advocate for the petitioner

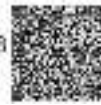
Mr. Ravi Partap Singh, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of notice and orders dated 01.12.2016 and 31.10.2017 whereby he was ordered to retire at the age of 55 years.

2. The petitioner joined service as Constable on 22.10.1985. He was placed under suspension on 05.11.2014 on account of some money dispute between Amit Kumar son of petitioner and Head Constable Surinder Singh. He was conveyed adverse remarks recorded in his Annual Confidential Report ('ACR') for the period from 06.08.2014 to 22.11.2014. His overall ACR was recorded as '*below average*'. He filed representation for expunging adverse remarks. The Inspector General of Police, Karnal Range, Karnal rejected his representation. He was issued notice dated 01.12.2016 proposing retirement at the age of 55 years. He was ordered to retire at the age of 55 years vide order dated 31.10.2017.

3. Learned counsel for the petitioner submits that there was no adverse material against the petitioner and he was made to retire on the sole



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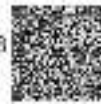
ground that there was adverse entry regarding integrity and reliability in his one ACR of 2014. The foundation of adverse entry was a departmental inquiry which culminated in warning. The order of retirement at the age of 55 years was bad in the eye of law. The respondent acted mechanically and passed impugned order.

4. *Per contra*, learned State counsel submits that the competent authority before passing order under Rule 9.18(1)(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short '**PPR**') has considered his past record wherein his integrity was found doubtful.

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

6. On the asking of Court, learned State counsel produced original office file. After careful perusal, the same is returned to learned State counsel.

7. 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 Authorities after examining the entire service record have 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. The Reporting Authority doubted his integrity in one ACR. As per instructions issued by the State



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Government, if integrity of an officer is doubtful, he is bound to be retired on attaining the age of 55 years.

8. 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

9. 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.*

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(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.”*

10. The respondent by impugned notice/order retired the petitioner on attaining the age of 55 years. The said order was passed in exercise of power conferred by Rule 9.18 of PPR. The impugned order was passed in October’ 2017. Had the impugned order not been passed, the petitioner would have worked for three more years. 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 backdrop, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.11.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No