IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112 **CWP-18047-2025**
Date of Decision: 14.07.2025

Insp Jitender Kumar **…Petitioner**

Versus

State of Haryana and others **…Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. G.S. Gopera, Advocate for the petitioner

Mr. Raman Sharma, Additional Advocate General, Haryana
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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 dated 21.04.2025 (Annexure P-1) whereby respondent has ordered to retire him on attaining the age of 55 years.

2. The petitioner joined Haryana Police Force as Assistant Sub-Inspector on 29.04.1994. He was promoted as Sub-Inspector on 06.04.2003 and adorned with the rank of Inspector on 09.08.2009. The respondent by impugned order has ordered to compulsorily retire him at the age of 55 years.

3. Learned counsel for the petitioner submits that petitioner has served for 31 years and he has a clean service record. He has more than 90% good Annual Confidential Reports (‘**ACR**’) during last 10 years.

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4. During the course of hearing, on the asking of Court, Mr. Raman Sharma, Additional Advocate General, Haryana produced original file.

5. I have gone through the notings of Superintendent of Police, Sirsa and Additional Director General of Police, Hisar Range, Hisar. After careful perusal, the same is returned to learned State counsel.

6. 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. This Court has gone through original file produced during the course of hearing and come across that Authorities have considered last 10 ACRs of the petitioner, past service record, pending departmental proceedings and punishments awarded to him during his service tenure. The authorities after examining the entire service record has 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 order has been passed by competent authority. Multiple times, the petitioner was awarded minor or major punishments. Even as on day, he is facing three departmental proceedings. On two occasions, the Reporting Authority doubted his reliability in the ACRs. As per instructions issued by the State Government, if integrity of an officer is doubtful, he is bound to be prematurely retired on attaining the age of 55 years.

7. The object of compulsory retirement of a Government servant is to weed out the dead woods in order to maintain efficiency and initiative

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in the service as well as to dispense with services of those whose integrity is doubtful so as to preserve purity in the administration.

8. 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.*
>
> *(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.*

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(vii) Compulsory retirement shall not be imposed as a punitive measure."

9. In the wake of aforesaid judgment, discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

14.07.2025
Mohit Kumar

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

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