



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

CWP-18710-2025

Date of Decision: 16.07.2025

Bhagwant Singh.

...Petitioner

Vs.

State of Haryana and Ors.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.K. Nehra, Advocate with
Mr. Anuj Chauhan, Advocate and
Mr. Rahil Mahajan, Advocate for the petitioner

Ms. Rajni Gupta, Addl. A.G. Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order/notice dated 16.05.2025 whereby he has been ordered to retire at the age of 55 years.

2. The petitioner joined Haryana Police Force as Constable on 05.04.1989. He was promoted from time to time. Since 2018, he is holding rank of Exemptee Assistant Sub Inspector. On the complaint of one lady namely Isha, an FIR No.466 dated 22.06.2014 under Section 376 IPC was registered against one Amit Dhawan. At the behest of Amit Dhawan one FIR No.544 dated 09.08.2014 under Sections 365/388 IPC came to be registered against the petitioner at Police Station North Rohini, Delhi. The respondent initiated departmental proceedings against the petitioner. He came to be dismissed from service. He



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preferred an appeal before the Appellate Authority, which reduced the quantum of punishment. The order of dismissal from service was substituted by stoppage of five future annual increments with permanent effect. The said order has attained finality.

3. Learned counsel for the petitioner submits that the petitioner was falsely implicated in FIR No.544 registered at Delhi. Except the said incident, he has unblemished service record. The respondent was bound to consider his last 10 ACRs. He has more than 70% good ACRs, thus, he could not be ordered to retire at the age of 55 years.

4. On the asking of the Court, Ms. Rajni Gupta, Additional Advocate General, Haryana produced the original file.

5. I have gone through the original file. The same after careful perusal is returned to the learned State counsel.

6. 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.

7. 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.*
- (vii) Compulsory retirement shall not be imposed as a punitive measure”*

8. The power to pass order of premature retirement is an absolute discretion of the competent authority. The said power cannot be

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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. On more than one occasions, the petitioner was awarded minor or major punishment. Even as on day, he is facing criminal proceedings. On one occasion, the Reporting Authority doubted his reliability in the ACRs. His one ACR is average. As per instructions issued by the State Government, if integrity of an officer is doubtful, he is bound to be retired on attaining the age of 55 years.

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

16.07.2025*DPA/Mohit Kumar*

Whether Speaking/reasoned	Yes
Whether Reportable	Yes