

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

CWP-19534-2025

Date of Decision: 23.07.2025

Dal Chand

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. B.S. Tewatia, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl. A.G., 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 order dated 01.04.2025 (Annexure P-6) whereby he has been ordered to retire from service at the age of 55 years.

2. The petitioner claims that he is holding post of ASI and has unblemished service record of more than 35 years. The respondent invoking power under Rule 9.18 (1)(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana) has passed impugned order. There is no application of mind. The Civil Judge (Jr. Divn.), Gurugram vide judgment dated 14.11.2023 (Annexure P-4) has set aside adverse remarks recorded in his ACR for the period from 07.07.2016 to 31.03.2017.

3. Mr. B.S. Tewatia, learned counsel for the petitioner submits that petitioner has nothing adverse in his ACRs of last 10 years and adverse remarks recorded in ACR for the period from July' 2016 to March' 2017 were expunged by Civil Court. As petitioner was having

more than 70% good ACRs, thus, there was no occasion to retire the petitioner at the age of 55 years. The respondent has mechanically ordered to retire the petitioner. The impugned order is non-speaking and unreasoned.

4. During the course of hearing, on the asking of Court, Ms. Rajni Gupta, Additional Advocate General, Haryana produced original file.

5. I have gone through the notings of Deputy Commissioner of Police, Headquarters, Gurugram. 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. The petitioner was awarded minor or major punishments on more than one occasion. On one occasion, 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 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.

(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.

23.07.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
Yes