



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

CWP-24738-2023

Date of Decision: 22.07.2025

Anil Kumar

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.K. Malik, Sr. Advocate,
with Mr. Sandeep Dhull, Advocate,
for the petitioner.

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

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 22.09.2023 (Annexure P-4) whereby he has been retired from service.

2. On 03.11.2023, the following order was passed:-

“Learned Senior Counsel for the petitioner inter alia contends that in the present case, notice dated 22.09.2023 has been issued to the petitioner for premature retirement in view of the fact that FIR No.12 dated 21.12.2020 registered under Section 7 of the Prevention of Corruption Act, 1988 at Police Station ACB, Panchkula is pending against the petitioner. It is submitted that with respect to the same allegations as are there in the FIR, disciplinary proceedings were initiated against the petitioner and the petitioner was exonerated in the said disciplinary proceedings vide order dated 15.06.2021 (Annexure P-3) and even in the criminal proceedings, Vigilance report dated 17.06.2022 (Annexure P-2) would



show that it has been observed that the involvement of the present petitioner has not been found.

*Learned Senior Counsel for the petitioner has further relied upon a judgment of the Hon'ble Supreme Court in case titled as “**State of Gujarat Vs. Umedbhai M. Patel**”, reported as **2001(3) SCC 314** in support of his arguments and has submitted that once, the authority chose to initiate disciplinary proceedings and found the petitioner to be innocent and did not choose to impose any penalty then it is not open to the authority to now issue the notice for compulsory retirement solely on the basis of pendency of the criminal case. It is further submitted that the present petitioner has an excellent service record and has got 70% recommendation certificate to his credit and none of the said aspects have been considered at the time of passing of the impugned notice dated 22.09.2023.*

Notice of motion.

Ms. Palika Monga, DAG, Haryana, appears and accepts notice on behalf of the respondents and seeks time to file reply.

Adjourned to 15.04.2024

In the meantime, the operation of the impugned notice dated 22.09.2023 is stayed.

Reply, if any, be filed on or before the next date of hearing with an advance copy to learned counsel for the petitioner.”

3. On being confronted with impugned order dated 22.09.2023, Ms. Rajni Gupta, Addl. A.G., Haryana expressed her inability to controvert the fact that said order is stigmatic. However, she submits that competent authority may be permitted to assess eligibility of petitioner for further extension in accordance with law.

4. In the wake of statement of learned State counsel, instant petition stands disposed of with liberty as prayed for. The impugned order is hereby set aside.

22.07.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No