



CWP-33489-2024

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202 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CWP-33489-2024

Date of Decision: 24.07.2025

Bachchu Singh

...Petitioner

Vs.

State of Haryana and Ors.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.P. Arora, Advocate with
 Mr. Himanshu Arora, Advocate and
 Ms. Iarisa Carmen Suting, Advocate
 for the petitioner

Mr. Shashank Bhandari, 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 notice dated 10.10.2024 whereby he has been ordered to retire at the age of 55 years.

2. The petitioner joined Haryana Police Force as Constable on 02.12.1998. He from time to time was promoted to higher ranks. In 2024, he was holding rank of Inspector. He was posted at Panchkula. The respondent-Commissioner of Police, Panchkula by order dated 10.10.2024 has ordered to retire him at the age of 55 years. The order dated 10.10.2024 reads as:-

“No.19664/A-1 dated Panchkula, the 10.10.24

You, Inspector Bachhu Singh No. 60/Nuh

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have already attained the age of 55 years on 11.03.2024, being your date of birth is 12.03.1969 (.) In view of the administrative functional and public interest, your service is not required in this department beyond the age of 55 years (.) In pursuance of provisions as contained under Rule 9.18 (I) (C) of Punjab Police rules applicable to the State of Haryana, three months' prior notice is hereby served upon you (.) After expiry of three months from the date of receipt of this notice, you Inspector Bachhu Singh No. 60/Nuh shall stand retire from Government Service(.)”

3. Learned counsel for the petitioner submits that at this stage he does not press his prayers qua ACR and departmental proceedings and he only confines his prayer qua challenge to notice of retirement.

4. Learned State counsel during the course of hearing produced original file. After perusal, the same is returned to him.

5. From perusal of file it is evident that impugned notice has been issued without considering last 10 ACRs of the petitioner as required by instructions issued by the State Government as well as Director General of Police. The impugned order seems to be passed on the basis of one internal communication of DGP. The service record of petitioner has been considered after filing of instant petition. The authorities are not required to set down reasons in the notice of

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retirement, however are bound to consider last 10 ACRs as well as service record. Without considering ACR(s) as well as service record in true spirit, order of retirement at the age of 55 years cannot be passed.

6. In the wake of above factual position, this Court is of the considered opinion that the impugned notice/order dated 10.10.2024 deserves to be set aside and accordingly set aside.

7. The respondent is at liberty to reconsider the case of petitioner and pass an appropriate order. The petitioner is free to avail alternative remedies qua his other prayers.

(JAGMOHAN BANSAL)
JUDGE

24.07.2025*Deepak DPA*

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No