



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

CWP-1067-2021(O&M)

Date of Decision:13.02.2026

Wali Mohd.

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. N.K. Bansal, Advocate
for the petitioner.

Mr. Akshit Pathania, AAG, 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 adverse remarks recorded in his Annual Confidential Report ('ACR') for the period from 20.09.2018 to 06.01.2019 and order dated 28.02.2020 whereby his representation was rejected. He is further seeking setting aside of order dated 04.03.2020 whereby he has been retired upon attaining the age of 55 years.

2. The petitioner belonged to Haryana Police Force. FIR No 08 dated 26.06.2018 under Section 7/13 of PC Act came to be registered against him at Police Station SVB, Faridabad on the allegation of demanding illegal gratification of Rs.3000/- from complainant Sanjiv Bhatia. He was suspended from service and was subjected to departmental inquiry vide order dated 27.06.2018. Departmental inquiry

was stayed by this Hon'ble Court vide order dated 11.09.2018 to the extent that common witnesses be not examined. Deputy Commissioner of Police, Headquarters, Faridabad (for short 'DCP') recorded adverse remarks in this ACR for the period from 20.09.2018 to 06.01.2019. The Reporting Authority assessed him dishonest, unreliable and below average officer. He filed representation before Commissioner of Police, Faridabad to expunge the same which came to rejected vide order dated 22.07.2019. Notice of premature retirement dated 25.11.2019 was served upon him. He preferred **CWP-3983-2020** before this Hon'ble Court challenging order of commissioner dated 22.07.2019 and notice dated 25.11.2019. The matter was referred to competent Authority vide order dated 13.02.2020. The petitioner filed representation dated 24.02.2020 which was rejected by Commissioner of Police, Faridabad vide order dated 28.02.2020 and DCP was directed to pass fresh order of premature retirement. DCP, Faridabad in exercise of power conferred by Rule 9.18(1)(c) of Punjab Police Rules, 1934, as applicable to State of Haryana (for short 'PPR'), ordered to retire him w.e.f. 08.03.2020. Petitioner was acquitted by the Court of Learned Additional Session Judge, Faridabad vide order dated 21.08.2023. In view of his acquittal, DCP, Faridabad exonerated him from departmental inquiry.

3. Learned counsel for the petitioner submits that he was made to retire at the age of 55 years because of adverse entry *qua* integrity recorded in his ACR. Adverse entry in ACR was recorded on the basis of FIR No 08 dated 26.06.2018. The petitioner stands acquitted by trial Court vide judgment dated 14.12.2022, thus, adverse entry in ACR has lost its significance. He has further been exonerated in departmental

inquiry vide order dated 22.08.2023 passed by DCP, Faridabad. Thus, retirement order needs to be set aside with consequential benefits.

4. *Per contra* learned counsel for the respondent submits that Reporting Authority is the best assessing authority. It knows act and conduct of its subordinates. The adverse remarks were based upon oral and written inputs received by Competent Authority.

5. Heard the arguments and perused the record.

6. Hon'ble Supreme Court time and again has enunciated that adverse remarks *qua* integrity recorded in ACR adversely affect future prospects of an employee. Writing of confidential reports is an administrative function. Officers reporting upon performance must show objectivity, impartiality and fair assessment, without any prejudices whatsoever and the highest sense of responsibility so as to inculcate devotion to duty, honesty and integrity. Officers get demoralised by negative ACR which reduces their efficacy and efficiency. Confidential reports are maintained by the government and other organisations to assess the employee's service record at the time of consideration of his case for grant of increments, promotions, retention in service etc. The Courts would normally refrain to interfere with the recording thereof. The reason for such reluctance is because the officer who is entrusted with the duty of writing confidential reports is best suited for this job.

7. In the case in hand, petitioner was holding rank of Assistant Sub-Inspector. An FIR dated 26.06.2018 under Sections 7/13 of the Prevention of Corruption Act, 1988 came to be registered against him. He faced trial and came to be acquitted vide judgment dated 14.12.2022 passed by Additional Session Judge, Faridabad. He was subjected to departmental proceedings. The Deputy Commissioner of Police, Faridabad, vide order dated 22.08.2023 dropped proceedings against him.

8. The petitioner at the time of recording of ACR was facing criminal trial. He was acquitted after 5 years from the relevant date. The reporting authority was supposed to look into present situation. He was made to retire on attaining the age of 55 years. He was not given extension beyond 08.03.2020. Adverse remarks in ACR did not affect his pension and other benefits. Further, it is Supervising Authority which knows weakness and strength of its employee. Judicial interference under Article 226 of the Constitution of India is not warranted because there is no mis-use of power or *mala fide* on the part of respondent.

9. 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.

10. The Hon'ble 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.”*

11. There is another aspect of the matter. The respondent by impugned notice/order retired the petitioner on attaining the age of 55 years. Said order was passed on 04.03.2020 and a period of more than 6 years has passed away. Had the impugned order not been passed, the petitioner would have worked for three more years. He was made to retire w.e.f. 08.03.2020. As per Punjab Police Rules, 1934 (as applicable to State of Haryana) read with Civil Services Rules, the State Government may or may not retain an employee beyond 55 years. The petitioner has already attained age of 58 years. He must have received pension during the period which could be extended beyond 55 years. Amount of pension is normally 50% of last drawn pay. As petitioner has already received 50% of pay without work, there seems no reason at this stage to interfere with impugned order.

12. In the wake of above discussion and findings, this Court is of the considered opinion that petitions being bereft of merit deserve to be dismissed and accordingly *dismissed*.
13. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

13.02.2026
Prince Chawla

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