



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

**CWP No. 4840 of 2021(O&M)
Date of Decision:12.01.2026**

Balkar Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. Sarvesh Malik, Advocate
for the petitioner**

Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 07.04.2021, the following order was passed:-

“Petitioner-Balkar Singh (an Exemptee ASI), stated to be aged 55 years has filed the present writ petition inter alia with a prayer for setting aside the impugned orders dated 28.05.2012 passed by respondent No.4 (Annexure P-5), dated 12.02.2019 passed by respondent No.3 (Annexure P-6) dismissing the appeal; with a further prayer for quashing the impugned order dated 19.07.2019 (Annexure P-10); along with further prayer to direct the respondents No.1 to 4 to release the withheld three increments with all consequential benefits.

In the present case, notice of motion was issued for 25.03.2021. On 02.03.2021, this Court had also issued notice regarding stay.

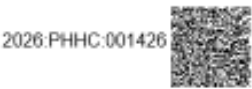


In the meantime, CM No. 5041 of 2021 has been filed by counsel for the petitioner to amend the writ petition and CM No.5418 of 2021 has been filed to explain the amendments sought to be made in the writ petition.

Learned counsel for the petitioner submits that in the impugned order dated 09.01.2021 passed by Superintendent of Police, Panipat, it has been ordered that the petitioner is served with the three months' premature retirement notice. It has been further stated in the order that after the expiry of the period of the said notice, he will be treated to have retired from service with effect from 11.04.2021.

In this view of the matter, learned counsel for the petitioner inter alia submits that in the action of the respondent in passing the impugned order dated 09.01.2021 (Annexure P-11) and also in passing the orders dated 11.04.2012 & 28.05.2012 (Annexures P-3 and P-5 respectively) the authorities have fallen to error both in facts and law. He submits that in the FIR (on the basis of which summary of charges were served), the petitioner has been acquitted on 12.09.2013. He secondly, submits that there has been violation of Rules 16.24 of the Punjab Police Rules in initiating the departmental enquiry as the pre-condition that the competent authority would call the employee, has not been complied with. He thirdly, submits that the charge-sheet has not been prepared and served upon the petitioner by the Competent Authority and it has only been prepared by the Enquiry Officer.

Fourthly, learned counsel submits that the said summary of charges has been prepared and served upon the petitioner on 13.02.2012 after the prosecution witnesses had submitted their statements. He submits that



since the ACR for the period of 01.04.2011 to 31.03.2012 was categorised as 'adverse' only on account of lodging of the FIR, on account of acquittal of the petitioner, the ACR ought to have been upgraded by the authorities.

Let the respondents file the detailed reply to the writ petition with specific reply to the aforementioned contentions.

Adjourned to 14.10.2021.

In the meantime, the operation of the impugned order dated 09.01.2021 whereby the authorities had decided to retire the petitioner with effect from 11.04.2021, shall remain stayed."

2. Learned counsel for the parties are *ad idem* that petitioner has retired on attaining the age of 58 years, thus, his prayer qua impugned order dated 09.01.2021 has rendered infructuous.
3. Appeal of the petitioner qua punishment was dismissed on the ground of delay of six years. His revision was dismissed on the ground of delay as well as on merits. There was inordinate delay of six years in filing the appeal. This Court does not find any plausible reason to condone delay which occurred while filing appeal before Appellate Authority.
4. In view of statement of learned counsel for the parties, the petition stands disposed of.
5. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.01.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No