



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

LPA-361-2026 (O&M)
Date of Decision:04.05.2026

KARTAR SINGH

.....APPELLANT(S)

VERSUS

STATE OF HARYANA AND ANOTHER

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sanjay Ghalawat, Advocate
for the appellant.

Mr. Saurabh Mohunta, DAG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of an order passed by the learned Single Judge, whereby the challenge to an order of premature retirement has failed.

2. It transpires that the appellant was appointed to the Haryana Police Force as a Constable and joined the said post on 01.02.1988. By the impugned order dated 06.07.2023, the appellant has been directed to retire on attaining the age of 55 years. The order of premature retirement has been passed in exercise of powers conferred under Rule 9.18(1)(c) of the Punjab Police Rules, 1934 (as applicable to State of Haryana). The order of premature retirement was challenged primarily on the ground that the appellant's service career was unblemished and that the respondents retired the appellant prior to the expiry of the mandatory three months' notice period.

3. The learned Single Judge has referred to the object of

passing an order of compulsory retirement in paragraph 7 of the judgment, which reads as under:-

*“7. The object of premature 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. The Supreme Court in **State of Gujarat Versus 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.

(iii) 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.

(iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.

(v) Even uncommunicated entries in the confidential record can also be taken into consideration.

(vi) The order of compulsory retirement shall not be passed as a short cut to avoid departmental enquiry when such course is more desirable.

(vii) If the officer was given a promotion despite

adverse entries made in the confidential record, that is a fact in favour of the officer.

(viii) Compulsory retirement shall not be imposed as a punitive measure.”

4. In paragraph 8 of the judgment, the learned Single Judge has referred to the service record of the appellant, which indicates that the appellant was dismissed twice from service, though later reinstated, and was awarded punishment on multiple occasions. His integrity was also found to be doubtful. Paragraph 8 of the judgment passed by the learned Single Judge reads as under:-

“8. From the perusal of reply filed by State, it is evident that respondent has considered last 10 years ACRs as well as punishments awarded to the petitioner. He was twice dismissed from service though re-instated. He was awarded punishment on multiple occasions. His integrity was recorded doubtful in one ACR. As per Government Instructions, if integrity is doubtful even in one ACR, employee should be retired at the age of 55 years. He should not be retained beyond 55 years. These factors compelled the authorities to form an opinion that Petitioner should not to be retained beyond 55 years. Order has been passed by a duly competent authority. There is no allegation of mala fide against the authority. Non-retention beyond 55 years is not punitive. It is discretion of appointing authority to retain or retire an employee upon attaining age of 55 years. He cannot claim as matter of right. Objection of retirement prior to expiry of three months’ notice needs to be ignored because there was gap of only few days between the date of expiry of three months from the notice and impugned order.”

5. The findings returned by the learned Single Judge in paragraph 8 of the judgment with regard to the service record of the appellant are not in issue. It remains undisputed that he was dismissed twice from service and that his integrity was found to be doubtful. In such circumstances, it cannot be said that no material existed for the respondents to form an opinion that the continuation of the appellant was not in public interest and that he was actually a '*dead wood*'. We, therefore, find substance in the view taken by the learned Single Judge in declining to interfere with the order of premature retirement.

6. On the aspect of short default in the notice period, we find that the notice of premature retirement was served upon the appellant on 19.04.2023. However, he was made to retire on attaining the age of 55 years *w.e.f.* 09.07.2023. We find substance in the limited grievance raised by the appellant that a three months' notice period ought to have been given to an employee before he is prematurely retired. Since there is a shortfall on this account, we are of the view that the appellant would be entitled to salary for the period of such shortfall in the three months' notice. This course is being adopted in view of the fact that the order of compulsory retirement is otherwise found to be based on a valid consideration of the appellant's service record and since he has otherwise been out of employment for the last several years, the direction to pay him salary for the period by which the notice fell short of three months would adequately redress the appellant's claim.

7. With these observations, the instant appeal is ***disposed of***.

8. All pending misc. application(s), if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

MAY 04, 2026
Rahul Joshi

1. Whether Speaking/reasoned

Yes/No
2. Whether Reportable

Yes/No