



CWP-5096-2026

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

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CWP-5096-2026

Date of Decision: 05.03.2026

Karan Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Navdeep Kaur Gill, Advocate
for Mr. Rohit Mittal, Advocate for the petitioner
Mr. Akshit Pathania, Assistant Advocate General, 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 order dated 23.12.2025 whereby he has been retired from service on attaining the age of 55 years. He is further seeking direction to respondent to decide his legal notice dated 03.01.2026.

2. The petitioner belongs to Haryana Police Force and at present is holding rank of Assistant Sub-Inspector. He is going to attain age of 55 years on 27.02.2026. The competent authority assessed him dishonest and unreliable officer in Annual Confidential Report ('ACR') for the period from 22.04.2017 to 01.08.2017. He preferred representation against adverse remarks before Higher Authority. His representation came to be dismissed vide communication dated 28.05.2025. The representation was dismissed after considering comments of the Reporting Authority. The respondent 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**') has ordered to

retire him w.e.f. 27.02.2026 upon attaining the age of 55 years. He has

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preferred representation dated 03.01.2026 to the respondent to allow him to continue in service beyond the age of 55 years.

3. Learned counsel for the petitioner submits that there was adverse entry *qua* honesty/integrity in his ACR for the period from 22.04.2017 to 01.08.2017. Additional Chief Secretary to Government, Home Department, Haryana has expunged said remark, thus, impugned order is bad in the eye of law.

4. Mr. Akshit Pathania, Assistant Advocate General, Haryana produced original record which was prepared at the time of passing impugned order. After perusal, record is returned to learned State counsel.

5. Heard the arguments and perused the record.

6. As per record, respondent has considered adverse entry recorded in petitioner's ACR for the aforesaid period. The State Government as well as office of Director General of Police has issued instructions regarding retirement at the age of 55 years. Power to retire at the age of 55 years is enshrined in Rule 9.18(1)(c) of PPR. The power has been exercised by competent authority and impugned order is not stigmatic. As per respondent impugned order is not stigmatic, thus, it should not be disturbed. The impugned order has been passed considering adverse entry in the petitioner's ACR *qua* integrity.

7. The Home Department has expunged adverse remarks, thus, respondent while passing impugned order could not and wrongly relied upon said remarks. There is no adverse material on record disclosing that petitioner was not a man of character and should be weeded out. In such

Circumstances, the respondent was bound by its instructions dated



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05.02.2019. As per said instructions, petitioner has been wrongly made to retire at the age of 55 years. The impugned order dated 23.12.2025 deserves to be set aside and accordingly set aside.

8. Before parting with the judgment, the Court would hasten to add that it has noticed that Home Department is improving police officials' ACR(s) in a very casual and mechanical manner. As per prescribed procedure, ACR is recorded by Superintendent of Police. It is approved by higher authority i.e. Inspector General of Police or Additional Director General of Police ('ADGP'). The officer gets opportunity to file representation which is considered by ADGP or Director General of Police. The police officers, without any provision in the PPR, file representation before Home Department and Additional Chief Secretary expunges adverse remarks recorded in the ACR. On the direction of this Court, Home Department has filed affidavit dated 25.02.2026 conceding that there is no provision in PPR which empowers Home Department to entertain representations against adverse remarks recorded in ACR. During the course of hearing, learned State counsel produced Government instructions dated 06.01.2012 disclosing that Government can entertain representation against ACR, if there are specific directions of Court or Chief Minister where the adverse entry relates to integrity and there is strong *prima facie* evidence that official was denied opportunity to represent and explain as per principles of natural justice. Relevant extracts of the instructions dated 06.01.2012 read as:

“(b) Representation against ACRs

The cases regarding representation against adverse remarks recorded in ACR will be considered when (a) there are specific directions of Hon'ble Court to decide the

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representation at Govt. level. (b) there are specific directions of Chief Minister to examine a representation against DGP's decision where the adverse entry relates to the individual's integrity and there is strong prima facie evidence as per representation that the official/employees has been denied an opportunity to represent and explain as per principles of natural justice. Apart from the above, circumstances, representation against adverse remarks after the appeal has been decided shall not be entertained."

9. As per affidavit, Home Department is exercising power as per directions issued by this Court. From the affidavit as well as aforesaid instructions, it is evident that Home Department has no authority to entertain representation against adverse remarks recorded in ACR unless and until there is direction of this Court or Chief Minister.

10. In the wake of affidavit and aforesaid instructions, the Home Department in future shall entertain representations against adverse remarks recorded in ACR as per instructions dated 06.01.2012 and not otherwise.

(JAGMOHAN BANSAL)
JUDGE

05.03.2026*Mohit Kumar*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No