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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1154-2026 (O&M)

Date of Decision: 28th April, 2026.

SHAMSHER SINGH

.....Appellant(s)

V/s

STATE OF HARYANA AND OTHERS

.....Respondent(s)

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

Present Mr. Bhavya Vats, Advocate,
 for the applicant-appellant.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal arises out of an order dated 11.02.2026 passed by the learned Single Bench, whereby Writ Petition i.e. CWP-24200-2021, filed by the appellant, challenging the order of compulsory retirement, has been dismissed.

2. Learned Single has dismissed the Writ Petition after referring to the judgments of the Hon'ble Supreme Court in **State of Gujarat** Vs. **Umedbhai M. Patel** ; 2001(3) SCC 314, **Allahabad Bank Officers' Association** Vs. **Allahabad Bank**; (1996) 4 SCC 504, **Ram Ekbal Sharma** Vs. **State of Bihar and another**; 1990 (3) SCC 504.

3. It has been noticed that the appellant had remained absent from duty for 396 days in respect of which initially, an order of dismissal from service was passed against him. This punishment, however, was substituted by the Appellate Authority in the Appeal with stoppage of five increments

with permanent effect, which was subject to the final decision in the criminal case. Ultimately, a show cause notice was issued calling upon the appellant to explain as to why he should not be compulsorily retired. It is thereafter that an order of compulsory retirement has been passed against the appellant and the challenge laid to it in the writ proceedings has been rejected.

4. Learned counsel for the appellant submits that there was no material for the competent authority to arrive at a satisfaction that the appellant was a deadwood and could be compulsorily retired from service. It is also submitted that passing of an order of compulsory retirement, on the basis of a punishment order already granted to him earlier, would amount to double jeopardy inasmuch for the same wrong, the appellant has been punished twice. It is submitted that this is clearly inadmissible.

5. Reliance is placed upon the judgements of this Court in the cases of **State of Haryana Vs. Pappu Ram**; 2024 NCPHCC 142172, **John George Vs. State of Punjab and Others**; 2024 NCPHCC 11121 and **Punjab State Power Corporation Ltd. and Others Vs. Ram Singh, Ex. Assistant Lineman**; 2025 NCPHHC 45077.

6. Learned State counsel opposes the prayer of the appellant with reference to the material/grounds placed on record at Page 81 of the paper book.

7. Law is well settled that an order of compulsory retirement is not an order of punishment. The employer is well within its right to examine the aspect of further continuance of a public servant in the public

interest. For such purposes, entire service record of the employee concerned can be gone into. Law in this regard has been settled long back in the case of **Baikuntha Nath Das and Anr vs Chief Distt. Medical Officer, Baripada** ; 1992 (2) SCC 299 which has been consistently being followed.

8. In the facts present case, it is undisputed that apart from the punishment which has been referred to by the learned Single Bench, the appellant has been awarded with the following punishments in the past:-

“Punishments:-

1. *Awarded a punishment of Censure vide order No.1764-67/Steno dated 27.11.2017 for not report in the Punjab & Haryana High Court on due date in CRM No.23956 OF 2017 and also not report in the office of A.G. Haryana, Chandigarh.*
2. *Awarded a punishment of warning vide order No.2367-69/Steno dated 29.10.2018 in c/w case FIR No.106 dated 26.04.2016, U/s 136 Electricity Act, P.S. K.Pura.*
3. *Awarded a punishment of Censure vide order No.370-73/Steno dated 26.2.2019 on account of alleged misconduct in case FIR No.251 dated 26.3.2016, U/s 136 Electricity Act, P.S. Sadar Karnal.*
4. *Awarded a punishment of censure vide order dated 19.03.2019 for not following up case FIR No. 197/16 PS Sadar Karnal. The accused person acquitted by the court of irregularities were found on their part.*
5. *Awarded a warning vide order No.1074-77 dated 26.06.2019 on account of alleged misconduct that case FIR No.397/18 P.S. Civil Lines Karnal he was the investigation officer of the case.*

1.	16.06.09 to 06.01.10	Discipline Integrity Moral Character General Remarks	Indiscipline Good Satisfactory An average type HC
2.	01.04.14 to 01.03.15	Honesty	Not Honest

		<i>Moral Character</i>	<i>Not Good</i>
		<i>Relationship with public and behaviour with them.</i>	<i>Not Good</i>
		<i>Relationship with the subordinates and behavior with the juniors</i>	<i>Not Good</i>
		<i>General tolerance power and organizational</i>	<i>Not Good</i>
		<i>Personality and initiative</i>	<i>Not Good</i>
		<i>Power of Command</i>	<i>Not taking interest and misusing his power</i>
		<i>Modern way of investigation and interest in modern police ways</i>	<i>Not Good</i>
		<i>Precautionary and search relation qualification</i>	<i>Not Good</i>
		<i>Experience of modern law and procedure</i>	<i>Not experienced</i>
		<i>Integrity</i>	<i>Doubtful</i>
		<i>Disqualification if any and the same has been brought to the notice of the concerned officer</i>	<i>During posting in CIA-I Karnal, a case 365 IPC has been registered in Delhi, in which he was absented and on account of which departmental enquiry was initiated which is pending and court case is also pending.</i>
		<i>General Remarks</i>	<i>A negligent and non-responsible employee, who is untrustworthy. Necessity to improve the behaviour during working and to improve the same in Govt. work.</i>

		<i>Classification of report, very good, good, average or below average.</i>	<i>Below Average</i>
3.	<i>01.04.16 to 22.08.16</i>	<i>Honesty</i>	<i>Doubtful</i>
		<i>Moral Character</i>	<i>Average</i>
		<i>Moral Courage readiness to expose malpractices of subordinates</i>	<i>Average</i>
		<i>Loyalty to the Govt. in power regard to political and party feelings.</i>	<i>Not loyal</i>
		<i>Personality and initiative</i>	<i>Average</i>
		<i>Power of Command</i>	<i>Average</i>
		<i>Preventive and detective abilities</i>	<i>Average</i>
		<i>Reliability</i>	<i>Average</i>
		<i>Defect if any and whether the same have been brought to the notice of concerned officer with any communication.</i>	<i>Yes</i>
		<i>General remarks</i>	<i>Dismissed from service on 22.08.16</i>
		<i>Category of report</i>	<i>Below average”</i>

9. The above quoted punishments would indicate that apart from various minor punishments, the entries in the ACR have also not been found satisfactory. In such circumstances, it cannot be said that there was

no reasonable basis for the competent authority to come to a conclusion that further continuance of the appellant was not in the public interest.

10. Considering the limited scope of judicial interference in such proceedings, we are not persuaded to intervene in the matter, inasmuch as the argument advanced by the learned counsel for the appellant that compulsory retirement amounts to double jeopardy is not made out in the given facts and circumstances. The overall service record of the appellant has been duly examined, which indicates that the employer’s opinion that the appellant was a “deadwood” is based on reasonable materials on record.

11. In such view of the matter, the appeal fails and is **dismissed**, accordingly.

12. It goes without saying that the service benefits, which are due and pending to the appellant, shall be released within three months from today.

13. Pending applications, if any, in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

April 28, 2026
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>