



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

Date of Decision: 24.02.2026

1. CWP-1253-2006 (O&M)

Ram Rattan

...Petitioner(s)

Versus

State of Haryana and Others

...Respondent(s)

2. CWP-10474-2009 (O&M)

Ram Rattan

...Petitioner(s)

Versus

State of Haryana and Others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Samrat Malik, Advocate for the petitioner.

Mr. Teevar Sharma, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from ***CWP-1253-2006***.

2. 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 03.11.2002 to 31.03.2003. He is further seeking setting aside of order dated 17.06.2009 whereby he has been retired upon attaining the age of 55 years.

3. The petitioner belonged to Haryana Police Force. He was promoted from time to time. When he was holding rank of Inspector, he

was assigned charge of investigation of FIR No.63 dated 23.03.2003 registered under Section 395 of IPC and Sections 25, 54 and 59 of Arms Act, 1959 at Police Station City Dabwali, District Sirsa. A regular departmental inquiry was initiated against him alleging irregularity in investigation of aforesaid FIR wherein he was exonerated. The Competent Authority recorded his ACR for the period from 03.11.2002 to 31.03.2003. The Reporting Authority assessed him as unreliable officer and recorded his integrity doubtful. The remarks of the Reporting Officer were communicated to him on 06.01.2005. He preferred representation against adverse remarks before Higher Authority. His representation came to be dismissed vide communication dated 14.09.2005. The representation was dismissed after considering comments of the Reporting Authority. He attained age of 55 years in 2009. The respondent in exercise of power conferred by Rule 3.26(d) of CSR, Volume I, Part I, ordered to retire him.

4. Learned counsel representing the petitioner submits that respondent recorded adverse remarks in his ACR on the basis of non-action of the petitioner against Mr. Ravi Chautala on the direction of respondent No.3. There was no concrete material. In the absence of concrete evidence, it was not desirable for the authority to comment adversely qua integrity of the petitioner. The Reporting Authority's comment was in direct conflict of judgment of Full Bench of this Court in ***CWP No.20171 of 2010*** titled as '***Dharamvir Singh Vs. State of Haryana and Others***'.

5. Learned State Counsel 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. He further submits that there is no infirmity in the retirement order warranting judicial interference. The retirement order has been passed by a duly competent authority and that too after scrutinizing petitioner's past record as well as Government instructions on the issue.

6. Heard the arguments and perused the record.
7. 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.
8. In the case in hand, the petitioner was made to retire on attaining the age of 55 years. He was not given extension in service. 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. The power to pass order of premature retirement is an absolute discretion of the competent authority. The said power cannot be exercised in a whimsical and arbitrary manner. There should be application of mind. The impugned order has been passed by the competent authority. The Authority after examining the entire service record formed an opinion that petitioner should be retired at the age of 55 years. There is neither any allegation nor evidence to the effect that there was *mala fide* intention on the part of respondents.

12. There is another aspect of the matter. The respondent by impugned order retired the petitioner on attaining the age of 55 years. Said order was passed on 17.06.2009. Had the impugned order not been passed, the petitioner would have worked for three more years. He was part of Haryana Police Force and his service was pensionable, thus, he must have received pension which is 50% of last drawn salary. He had not worked during said period, thus, at this stage, no interference is warranted.

13. 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***.

14. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

24.02.2026

Prince Chawla

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