



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

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**CWP-1816-2006 (O&M)  
Date of Decision: 11.02.2026**

Ishwar Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Jangjit Singh Dahiya, Advocate  
for the petitioner (Through V.C.).

Mr. Teevar Sharma, DAG, Haryana.

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of orders whereby he was ordered to be compulsorily retired.
2. The petitioner was appointed as Constable in Haryana police force on 07.07.1970. He was promoted as Head Constable on 25.06.1985 and as ASI on 23.10.1996. Vide notice dated 14.11.2005, he was ordered to retire on attaining the age of 55 years.
3. Learned counsel representing the petitioner submits that impugned order was passed by an Incompetent Officer. The respondent has not further adhere to Government Instructions.
4. Learned State Counsel reiterating contents of the impugned order submits that there is no infirmity in the impugned order warranting judicial interference. The impugned 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.

5. Heard the arguments and perused the record
6. The object of compulsorily 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.”*

7. From the perusal of record which were prepared before passing impugned order, it is evident that respondent has considered last 10 years ACRs as well as punishments awarded to the petitioner. 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.

8. The impugned order was passed on 14.11.2005 and a period of more than 20 years has passed away. As per Punjab Police Rules, 1934 (as applicable to State of Haryana) read with Civil Services Rules, the State Government may or may not retain an employee beyond 55 years. The petitioner has already attained age of 58 years. He must have received pension during the period which could be extended beyond 55 years. Amount of pension is normally 50% of last drawn pay. As petitioner has already received 50% of pay without work, there seems no reason at this stage to interfere with impugned order.

9. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition being bereft of merit deserves to be dismissed and accordingly ***dismissed***.

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

(JAGMOHAN BANSAL)  
JUDGE

11.02.2026  
Prince Chawla

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |