



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

Date of Decision: 12.02.2026

1. CWP-2096-2006 (O&M)

Balbir Singh

...Petitioner(s)

Versus

State of Haryana and Others

...Respondent(s)

2. CWP-723-2010 (O&M)

Balbir Singh

...Petitioner(s)

Versus

State of Haryana and Others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Raywant Kaushish, 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-2096-2006***.

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 10.05.2003 to 01.10.2003. He is further seeking setting aside of notice dated 10.11.2009 whereby he has been retired upon attaining the age of 55 years.

3. The petitioner belonged to Haryana Police Force. In 2008 while he was holding rank of Assistant Sub Inspector (ASI), he was assigned charge of investigation of FIR No.105 dated 31.05.2008 and FIR No.170 dated 05.08.2008. A regular departmental inquiry was initiated against him alleging irregularity in investigation of aforesaid FIRs. The Disciplinary Authority found him guilty of alleged charges. The Competent Authority recorded his ACR for the period from 10.05.2003 to 01.10.2003. The Reporting Authority assessed him dishonest and unreliable officer. The remarks of the Reporting Officer were communicated to him on 07.06.2004. He preferred representation against adverse remarks before Higher Authority. His representation came to be dismissed vide communication dated 29.05.2005. The representation was dismissed after considering comments of the Reporting Authority. He attained age of 55 years on 10.10.2009. 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'), ordered to retire him w.e.f. 10.02.2010.

4. Learned counsel representing the petitioner submits that respondent recorded adverse remarks in his ACR on the basis of verbal complaint of accepting bribe. 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 beyond 10.02.2010. 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. As per government instructions dated 23.10.1973, an employee should not be retained beyond 55 years if his integrity is found doubtful. This Court vide order dated 29.04.2010 stayed operation of retirement order, however, the same was vacated on 03.08.2010 in the light of challenge to doubtful integrity in his ACR.

12. There is another aspect of the matter. The respondent by impugned notice/order retired the petitioner on attaining the age of 55 years. Said order was passed on 10.11.2009. Had the impugned order not been passed, the petitioner would have worked for three more years and he worked for about one year beyond 55 years due to interim order of this Court. The extended period has passed away. 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

12.02.2026

Prince Chawla

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