



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

**CWP-12320-2025 (O&M)
Date of Decision: 28.01.2026**

Sukhwinder Pal

...Petitioner

Versus

State of Haryana and Others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Anurag Goyal, Senior Advocate with
Mr. Nikhil Lathar, Advocate and
Mr. Siddharth Sharma, Advocate for the petitioner.
Mr. Ravi Partap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of impugned notice for retirement dated 08.03.2025 (Annexure P-7) issued by respondent No.2- Deputy Commissioner of Police, Panchkula.

2. The petitioner was recruited as Constable in Haryana Police on 08.12.1987. He was promoted as Sub-Inspector in 2022. He was adorned with President Award on 15.08.2009. In August' 2024, he was honoured with award of Star of the month. He was implicated in FIR No.11 dated 03.10.2020 under Section 7/13 read with Section 13(2) of P.C. Act, 1988 registered at Police Station State Vigilance Bureau, Panchkula. He attained age of 55 years on 08.06.2023. He was retained beyond 55 years, however, by impugned notice Deputy Commissioner of Police, Panchkula has ordered to retire him. The impugned notice dated 08.03.2025 is reproduced as below:

“NOTICE FOR RECRUITMENT

You, SI Sukhwinder Pal No. 31/PKl. of this district have already attained the age of 55 years as on 08.06.2023, being your date of birth 09.06.1968. I have examined your service record for retention in service beyond the age of 55 years.

It has been observed that two FIRs have been registered against you, FIR No. 11 dated 03.10.2022 u/s 7.13 (1) b & R/W 13(2) PC Act. 1988 PS SVB, Panchkula and another FIR No. 25 dated 25.02.2025 u/s 74 BNS at Women Police Station, Sector-5, Panchkula.

Considering the above mentioned cases, am not satisfied and your case is not found fit for retention in service beyond the age of 55 years. Your services are no more required by the Police Department in the public interest.

Therefore, you are hereby served upon with a three months notice for retirement in the public interest, under the provisions laid down in clause (c) of sub section (1) of 9.18 (1) of Punjab Police Rules, 1934, after considering criteria/parameters laid down in the State Government's instructions dated 05.02.2019.

Accordingly, you shall stand retired from Government service after three months from the date of receipt of this notice.

*Deputy Commissioner of Police
Panchkula”*

3. Learned counsel for the petitioner *inter alia* contends that impugned notice is stigmatic. The petitioner was granted extension on two previous occasions. He was placed under suspension, however, stands re-instated. The respondent has filed police report in FIR No.11 dated 03.10.2020. The petitioner has been found innocent and police report has been filed against other accused. The Investigating Officer has filed his report in second FIR. He has been named in the police report. He is going to attain age of 58 years on 08.06.2026.

4. Learned State counsel submits that it is factually correct that petitioner was found innocent in FIR dated 03.10.2022, however, he was found guilty in second FIR and accordingly police report against him has been filed. It is further factually correct that he has been re-instated and suspension order has been revoked. The petitioner, at present, is serving and would attain age of 58 years on 08.06.2026. He tarnished image of the Police Department, thus, impugned order of retirement was passed.

5. Heard the arguments and perused the record

6. The impugned order has been passed by Deputy Commissioner of Police, Panchkula. The petitioner is holding rank of Sub-Inspector. The order has been passed under Rule 9.18(1)(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR'). The Authority in the impugned order has noticed adverse entries of ACR as well as pending FIRs against him, thus, it is stigmatic. It could not be passed without complying with mandate of Article 311(2) of the Constitution of India. In view of judgment of this Court in ***Naresh Kumar Versus State of Haryana and Others, 2025 SCC OnLine P&H 2865***, the impugned order deserves to be set aside.

7. There is another aspect of the matter. The petitioner was permitted to continue beyond 55 years. He was 57 years old when impugned order was passed. Order under Rule 9.18(1)(c) of PPR is normally passed at the age of 55 years of the employee. The respondent permitted the petitioner to continue for two years beyond 55 years. It is relevant to notice that first FIR was registered against him prior to he turned 55 years. He is going to attain age of 58 years on 08.06.2026. The

suspension order has already been revoked and he would remain in service for next four months if impugned order is set aside.

8. In the backdrop, the petition is ***allowed*** and impugned order/notice dated 08.03.2025 is set aside.
9. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

28.01.2026

Prince Chawla

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