



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

240

CWP-16961-2021

Date of Decision : **May 07, 2026**

KULWANT SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. S.S.Duhan, Advocate for the petitioner.
Mr. R.S.Budhwar, Addl. AG, Haryana.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 30.03.2021 (Annexure P-3) passed by respondent No.2 vide which, the petitioner has been prematurely retired from service with immediate effect.

2. Brief facts of the case are that the petitioner was working on the post of ASI in Haryana Police. A notice dated 14.01.2020 (Annexure P-1) was issued to the petitioner whereby, it was proposed to prematurely retire the petitioner under Rule 9.18(2) of the Punjab Police Rules. It transpires that the abovesaid notice was issued taking into consideration the service record of the petitioner. The petitioner duly filed reply to the abovesaid notice. The reply was duly considered by the respondents. Vide order dated 30.03.2021 (Annexure P-3), the petitioner has been prematurely retired from the service. Aggrieved against the abovesaid order dated 30.03.2021 (Annexure P-3), the petitioner has filed the present writ petition.

3. Learned counsel appearing on behalf of the petitioner submits that as per the instruction dated 05.02.2019 issued by the General Administration Department, Chief Secretary's Office, Haryana Government

in regard to premature retirement in a case of an employee on attaining the age of 50/55 years, service record of last 10 years has to be taken into account and out of this 50% ACRs in case of retention beyond 50 years and 70% ACRs in case of retention beyond 55 years or on completion of 25 years qualifying service, should be 'Good' or above. Learned counsel submits that if 10 years' of service record of the petitioner is taken from the date of issuance of order dated 30.03.2021 (Annexure P-3), the petitioner has got 50% 'Good' ACRs, as such, in light of the abovesaid instruction, the petitioner could not have been prematurely retired and, therefore, the impugned order is liable to be set-aside.

4. The learned State counsel submits that in light of instruction dated 05.02.2019 if 10 years' service record of the petitioner is to be taken into consideration, the integrity of the petitioner has been doubted in the ACR for the period from 01.04.2018 to 21.11.2018 and the petitioner has also been subjected to various punishments. As such, the petitioner has rightly been prematurely retired from service.

5. After hearing the learned counsel for the parties at length, the only issue involved in the present writ petition is as to whether the petitioner could have been prematurely retired from service vide order dated 30.03.2021 (Annexure P-3). Before deciding the abovesaid issue, it is appropriate to reproduce the relevant clause of instruction dated 05.02.2019:-

“Parameters for premature retirement or continuing in service:-

It is not possible to specify the guidelines and manner in which the performance of a Government employee is to be assessed, since the requirements of a particular position occupied by a

Government employee will only be known better to the Department concerned and these requirements will vary from one position to another. However, the parameters to be following by the competent authority based on the pronouncements of Supreme Court and High Courts are as under.-

(a) The competent authority must apply its mind independently to the record of the employee and from an opinion about the suitability and the desirability of continuing an employee/officer in the service after completing prescribed age or qualifying service.

(b) The competent authority is required to make an objective assessment/evaluation of the work, conduct and performance of the employee, as reflected in his service record, in order to determine whether he should be retired before the age of superannuation.

(c) Service record of last 10 years should be taken into account and out of this 50% ACR in case of retention beyond 50 years and 70% ACRs in case of retention beyond 55 years or on completion of 25 years qualifying service, should be 'Good' or above.

(d) A Government employee against whom disciplinary proceedings were pending but now decision has been taken and now no departmental/Vigilance enquiry is pending against him, may be considered for extension in service.

(d) A Government employee whose integrity has been doubted during last ten years of service will be retired prematurely, however, the doubtful integrity during the period of service before last 10 years will be ignored.

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6. A perusal of the facts of the present case would show that there is no dispute in regard to the fact that if 10 years' service record of the petitioner is to be taken into consideration, the petitioner has got more than

50% ‘Good’ ACRs. It is relevant to reproduce the chart showing the ACRs for the period from 2009 to 2019 here-in-below:-

Sr. No.	Period	Remarks				
		Discipline	Integrity	Reliability	Moral Character	General Remarks
1.	1.4.2009 to 31.3.2010	Disciplined	Good	Reliable	Good	Good
2.	1.4.2010 to 30.6.201	Good	No complaint	Reliable	Good	A good EASI
Sr. No.	Period	Remarks				
		Honesty	Moral Character	Reliability	Working & Detective ability	General Remarks
3.	1.07.2010 to 31.03.2011	Honest	Good	Reliable	Good	Good
4.	07.06.2011 to 31.03.2012	Honest	Good	Reliable	Good	Good
5.	01.04.2012 to 18.09.2012	Honest	Good	Reliable	Good	Good
6.	18.09.2012 to 12.02.2013	Honest	Good	Reliable	Good	Good
6.	01.04.2013 to 31.03.2014	Honest	Excellent	Reliable	Good	Good
7.	06.06.2014 to 10.11.2014	Honest	Very Good	Reliable	Good	Good
8.	14.11.2014 to 28.02.2015	Honest	Good	Reliable	Good	Good
9.	01.04.2015 to 31.03.2016	Honest	Good	Reliable	Good	Good
10.	06.07.2016 to 31.03.2017	Honest	Good	Reliable	Good	Good
11.	18.08.2017 to 31.03.2018	Honesty	Good	Reliable	Good	Average
12.	01.04.2018 to 21.11.2018	Honesty	Doubtful	Unreliable	Average	Below average
13.	21.11.2018 to 31.03.2019	Honest	Good	Reliable	Good	Good

7. A perusal of the abovesaid chart would show that there is no dispute that 50% ACRs of the petitioner has been recorded as 'Good' during the last 10 years from the date of passing of the impugned order dated 30.03.2021 (Annexure P-3), however, a perusal of the ACR recorded for the period from 01.04.2018 to 21.11.2018 would also show that the integrity of the petitioner has been doubted. It is not in dispute that a Government employee whose integrity has been doubted during the last 10 years will prematurely retire in terms of instruction dated 05.02.2019. Taking into consideration the fact that the integrity of the petitioner has been doubted in the ACR recorded for the period from 01.04.2018 to 21.11.2018 during the last 10 years as per the abovesaid instruction, the respondents have rightly prematurely retired the petitioner from service.

8. Taking into consideration the abovesaid facts, this Court finds no merit in the present writ petition and the same is, accordingly, dismissed.

9. Pending application(s), if any, also stand disposed of accordingly.

May 07, 2026
ajaysharma

(DEEPINDER SINGH NALWA)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No