



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

**CWP-13841-2023 (O&M)
Date of Decision: 27.01.2026**

Kartar Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sanjay Ghalawat, Advocate
for the petitioner.

Mr. Teevar Sharma, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders whereby he has been ordered to retire upon attaining the age of 55 years.

2. The petitioner belongs to Haryana Police Force. He joined as Constable on 01.02.1988. He by impugned order dated 06.07.2023 was ordered to retire at the age of 55 years. Order was passed in exercise of power conferred by Rule 9.18 (1) (c) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR').

3. Learned counsel representing the petitioner submits that impugned order has been passed contrary to State Government Instructions as well as applicable Rules. The petitioner has unblemished service record of 35 years. He has more than 70% good ACRs during last 10 years. He could not be made to retire on account of one bad ACR which was based upon minor punishment. There was three months'

notice, however, he was retired prior to three months. The respondent was bound to consider his entire service record.

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 impugned order dated 06.07.2023 is reproduced as below:-

“E/HC Kartar Singh No 555/PPT will attain the age of 55 years on 09.07.2023 being date of birth 09.07.1968. He will prematurely retire from Govt. Service on 09.07.2023 A.N., under rule 9.18(1) (c) of PPR read with Para No. 144 of Chapter-XI of Haryana Civil Service (General Rules), 2016. He should be relieved from his duties on 09.07.2023 A.N, after depositing all Govt. goods/articles issued to him including Identity Card.

7. The object of premature 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.”

8. From the perusal of reply filed by State, it is evident that respondent has considered last 10 years ACRs as well as punishments awarded to the petitioner. He was twice dismissed from service though re-instated. He was awarded punishment on multiple occasions. His integrity was recorded doubtful in one ACR. As per Government Instructions, if integrity is doubtful even in one ACR, employee should be retired at the age of 55 years. He should not be retained beyond 55 years. 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. Objection of retirement prior to expiry of three months' notice needs to be ignored because there was gap of only few days between the date of expiry of three months from the notice and impugned order.

9. The impugned order was passed on 06.07.2023 and a period of more than 2½ years has passed away. The petitioner 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.

10. 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***.

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

(JAGMOHAN BANSAL)
JUDGE

27.01.2026
Prince Chawla

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