



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

203

CWP-19464-2019 (O&M)

Date of Decision: 06.03.2026

TEJPAL

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.K. Daaria, Advocate
for the petitioner

Mr. Vivek Chauhan, Addl. A.G. 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 and was holding rank of EHC (Driver). The respondent in exercise of power conferred by Rule 9.18(1)(c) of Punjab Police Rules, 1934, as applicable to State of Haryana, vide notice dated 29.05.2019 has ordered to retire him upon attaining the age of 55 years.

3. Learned counsel for the petitioner submits that impugned order has been passed without assigning any reason. The petitioner has unblemished service record of 19 years. He has more than 70% good ACRs during last 10 years. Thus, he has wrongfully been ordered to retire on

attaining the age of 55 years. Except one adverse ACR which was not based upon concrete material, there was no other adverse ACR or material warranting impugned order. The petitioner is an ex-serviceman. He was exonerated in criminal proceedings and punishment awarded by departmental authorities was set aside by Civil Court, thus, for all intents and purposes he had clean record and respondent was bound to grant him extension of three years.

4. *Per contra* learned counsel for the respondent 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.

5. 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.”

6. As per reply, the petitioner was implicated in FIR No.52 dated 05.11.2012 under Section 223/224 IPC registered at Police Station Kashmiri Gate, New Delhi because one under trial escaped from his custody. He was exonerated by Inquiry Officer, however, Disciplinary Authority after recording disagreement note vide order dated 04.08.2014 awarded him punishment of reversion from the rank of EHC to Constable. Commissioner of Police, Gurugram substituted punishment of reduction in rank by stoppage of three increments with permanent effect. He filed Civil Suit which was decreed by Civil Judge, Junior Division, Gurugram vide order dated 09.02.2016. His integrity was recorded doubtful in the ACR for the period from April' 2013 to September' 2013. He filed representations against adverse remarks which were dismissed by higher authorities.

7. 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. From the perusal of record, it is evident that competent authority has considered last 10 ACRs of the petitioner. The 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, an employee should not be retained beyond 55 years if his integrity is found doubtful and having less than 70% good reports in previous 10 ACRs. Petitioner's one ACR reported adverse remarks *qua* integrity, thus, he was covered by government instructions.

8. 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 12.07.2019 and a period of more than 6 years has passed away. Had the impugned order not been passed, the petitioner would have worked for three more years. He was made to retire w.e.f. 14.06.2019. As per PPR 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 present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

10. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

March 06, 2026
Deepak DPA

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