



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

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CWP-22328-2022

Date of Decision: 06.02.2026

VIRENDER SINGH

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ankur Lal, Advocate for the petitioner

Mr. Akshit Pathania, Assistant Advocate General, 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. He is also seeking setting aside of adverse remarks recorded in his ACR for the period from 01.04.2020 to 14.07.2020.

2. The petitioner belonged to Haryana Police Force and was holding rank of Officiating Sub Inspector. He attained age of 55 years on 13.12.2021. He was subjected to two departmental enquiries for dereliction of duty while investigating FIRs. He was not found guilty and Disciplinary Authority vide orders dated 04.12.2020 and 15.01.2021 dropped the proceedings. He was awarded adverse remarks in ACR for the period 01.04.2020 to 14.07.2020. His representation against the said remarks was rejected vide order dated 11.04.2022 for being filed beyond

the prescribed period. His case for extension in service beyond 55 years was approved by Superintendent of Police, Rewari vide order dated 05.02.2021. His extension order was reviewed by the authorities on the ground of adverse remarks in ACR. He vide order dated 16.09.2022 was made to retire him on the expiry of three months' notice.

3. Learned counsel for the petitioner submits that by order dated 05.02.2021 he was ordered to remain in service beyond 55 years, however, by impugned order dated 16.09.2022 was made to retire at the age of 57 years. There was no lapse on his part. His integrity was not recorded 'doubtful' whereas it was 'below average'. The ACR which formed basis of impugned order is also under challenge.

4. *Per contra*, learned State counsel submits that petitioner was initially granted extension in service, however, said order was modified by higher authorities. He was made to retire at the age of 57 years. A period of more than 5 years has passed away. He was subjected to multiple punishments while in service.

5. Heard the arguments and perused the record.

6. The petitioner is claiming that impugned orders are contrary to facts and evidence on record, thus, have been passed in violation of Rule 9.18 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short "PPR").

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.

8. 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.”

9. The respondent by impugned notice/order retired the petitioner on attaining the age of almost 57 years. Said order was passed on 16.09.2022. As per Punjab Police Rules, 1934 (as applicable to State of Haryana) read with Civil Services Rules, the State Government may or may not retain an employee beyond 55 years. The petitioner was initially

granted extension beyond 55 years, however, authorities later on formed an opinion that he must be retired. The petitioner has already attained age of 58 years. He must have received pension during the period which could be extended beyond 57 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. The petitioner has retired and adverse remarks in his ACR are not going to affect his retiral dues or other service benefit, thus, question of adverse remarks in ACR has become academic.

10. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

February 06, 2026
Deepak DPA

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