



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

**CWP-24200-2021 (O&M)
Date of Decision: 11.02.2026**

Shamsher Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Bhavya Vats, Advocate
for the petitioner.

Mr. Akshit Pathania, AAG, 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 order dated 31.10.2021 whereby he was ordered to retire under Rule 9.18(2) of Punjab Police Rules, 1934 (for short 'PPR').

2. The petitioner joined Haryana Police as Constable in December' 1991. He was promoted from time to time. He came to be implicated in FIR No.544 dated 09.08.2014 under Sections 365, 384, 388, 506 and 34 of IPC registered at Police Station North Rohini, Delhi. He was arrested on 01.03.2015 and thereafter released on bail on 16.01.2016. He remained absent from duty for 396 days and respondent in this regard recorded DDE No.09 on 17.12.2014. The respondent initiated departmental inquiry against him. He was issued show cause notice proposing punishment of dismissal from service. The Disciplinary Authority vide order dated 22.08.2016 dismissed him from service. He

preferred an appeal which came to be partially allowed by Inspector General of Police (**IGP**), Karnal vide order dated 21.04.2017. The Appellate Authority substituted punishment of dismissal from service for stoppage of five increments with permanent effect, however, subject to final decision of criminal case registered against him. The respondent issued him show cause notice dated 22.01.2021 calling upon him to show cause as to why he should not be retired as per Rule 9.18(2) of PPR. In the show cause notice, grounds for retirement were duly disclosed. The petitioner filed reply to said show cause notice and Director General of Police (**DGP**) vide order dated 30.10.2021 ordered to retire him with immediate effect.

3. Learned counsel representing the petitioner submits that petitioner was awarded commendation certificates and was punished by Appellate Authority in 2017 whereas impugned order of compulsory retirement was passed in 2021. There was a gap of almost four years between the date of punishment awarded by Appellate Authority and impugned order. There was no occasion to rely upon order of dismissal from service or order of Appellate Authority whereby punishment of stoppage of five increments was awarded. There was no change in the circumstances, thus, impugned order is bad in the eye of law. The respondent has withheld his leave encashment and gratuity on account of pending criminal case.

4. Learned State counsel reiterates findings of the departmental authorities and submits that no interference is warranted. The petitioner belongs to a disciplined force, thus, his conduct must be above board. He is bound to maintain high standards of discipline.

5. Heard the arguments and perused the record.
6. 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.
- 6.1 The Supreme Court in ***State of Gujarat v. 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."

6.2 In ***Allahabad Bank Officers' Assn. v. Allahabad Bank, (1996) 4 SCC 504*** Supreme Court has held that compulsorily retirement of a Government servant is one of the facets of the doctrine of pleasure incorporated in Article 310 of the Constitution. In case of compulsorily retirement, there is no need to hold an inquiry. The authorities have to record satisfaction to the effect that it is in the public interest to retire the employee.

6.3 In ***Ram Ekbal Sharma v. State of Bihar and another 1990 (3) SCC 504*** Supreme Court has observed that in order to find out whether an order of compulsorily retirement is based on any misconduct of the Government servant or the said order has been passed acting bona fide, without any oblique and extraneous purpose, the veil can be lifted by Court.

7. The impugned order has been passed under Rule 9.18(2) of PPR. A police officer may be retired at the age of 55 years under Rule 9.18(1)(c) whereas under Rule 9.18(2) a police officer may be retired on completion of 25 years qualifying service. There are inbuilt sufficient safeguards in the said Rule, thus, possibility of misuse of power is constricted. For the ready reference, Rule 9.18 is reproduced as below:

"9.18. Retiring pension - (1) Notwithstanding anything contained in these rules, a retiring pension is granted to an officer-

(a) who is permitted to retire from service after completing qualifying service for twenty-five years or such lesser period as may, for any class of officers, be prescribed; or

(b) who is compulsorily retired under sub-rule (2) after completing twenty five years' qualifying service;

(c) who is retired by the appointing authority on or after he attains the age of 55 years, by giving him not less than three months' notice; or

(d) who retires on or after attaining the age of 55 years by giving not less than three months' notice of his intention to retire to the appointing authority:

Provided that where the notice is given before the age of fifty-five years so attained, it shall be given effect to from a date not earlier than the date on which the age of fifty-five years is attained.

Note.- Appointing authority retains an absolute right to retire any Government servant on or after he has attained the age of 55 years without assigning any reason. A corresponding right is also available to such a Government servant to retire on or after he has attained the age of 55 years.

(2) The Inspector-General of Police may, with the previous approval of the State Government, compulsorily retire any Police Officer, other than an officer belonging to the Indian Police Service or Haryana State Police Service who has completed twenty-five years' qualifying service, without giving any reasons. An officer who is so compulsorily retired will not be entitled to claim any special compensation for his retirement.

Note.- (i) The right to retire compulsorily shall not be exercised except when it is in the public interest to dispense with the further services of an officer, on grounds such as of inefficiency, dishonesty, corruption or infamous conduct. Thus the rule is intended for use –

(i) against an officer whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully efficient, i.e., when an officer's value is clearly incommensurate with the pay which he draws but not to such a degree as to warrant

his retirement on a compassionate allowance. It is not the intention to use the provisions of this rule as a financial weapon, that is to say, the provisions should be used in only the case of an officer who is considered unfit for retention on personal as opposed to financial grounds;

(ii) in cases where reputation for corruption, dishonesty or infamous conduct is clearly established even though no specific instance is likely to be proved.

Note 2.- The officer shall be given an adequate opportunity of making any representation that he may desire to make against the proposed action, and such representation shall be taken into consideration before his compulsory retirement is ordered. In all cases of compulsory retirement of enrolled police officers, the Inspector-General of Police shall effect such retirement with the previous approval of the State Government in accordance with the instructions, if any, issued by the Government on the subject from time to time.

Note 3. The officer whose duty it would be to fill the post if vacant, shall record his orders on the application to retire, which, if in vernacular, should be accompanied by a translation in English. If the officer who applies for pension is permitted to retire, the application shall be forwarded with the pension papers."

8. A conspectus of Rule 9.18(2) reveals that there are safeguards in the form of authority, approval of Government, notice to employee, reasons for compulsory retirement. Order cannot be passed by an officer other than IGP (as per prevailing hierarchy 'DGP'). It should be passed with prior approval of State Government. It should be in the interest of public on the ground of inefficiency, dishonesty, corruption or infamous conduct.

9. 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 ACRs and past record of the petitioner. The order has been passed by DGP after obtaining approval of the State Government. The Authority after examining the entire service record formed an opinion that petitioner should be retired under Rule 9.18(2) of PPR. There is neither any allegation nor evidence to the effect that there was *mala fide* intention on the part of respondents. He was found involved in a criminal case registered in New Delhi. His more than one ACR(s) were found adverse qua discipline and integrity. He was issued show cause notice and granted opportunity to file reply which he availed.

10. In the backdrop, this Court does not find any ground to interfere with impugned retirement order.

11. ***Dismissed.***

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

(JAGMOHAN BANSAL)
JUDGE

11.02.2026
Prince Chawla

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