



CWP-39433-2025

-1-

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

106

CWP-39433-2025

Date of Decision: 29.01.2026

Karan Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sukhvir Singh Sahu, Advocate for the petitioner

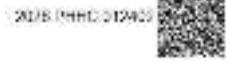
Mr. Parveen Mehta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of notice dated 30.09.2019 and order dated 24.12.2019 whereby he was retired on attaining the age of 55 years.

2. This is second round of litigation. On the earlier occasion, petitioner preferred *CWP No.36877 of 2019* which was disposed of vide order dated 03.03.2025. In order dated 03.03.2025, it was noticed that a period of 5½ years has passed away from the impugned notice and the petitioner could serve maximum upto 58 years, thus, petition has rendered infructuous.

3. Learned counsel for the petitioner submits that impugned notice as well as order was stigmatic. The respondent could not pass stigmatic order under Rule 9.18(1)(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana). There is no adverse remark in his Annual Confidential



Report (for short 'ACR'). The adverse remarks recorded in his ACR stand subsequently expunged by higher authorities. In these circumstances, the impugned order should be set aside. The petitioner would not be able to serve for three years because he has already attained age of 58 years, however, would be entitled to notional benefits.

4. Learned State counsel submits that impugned order was served on the petitioner on 01.10.2019 and it was duly received by him.

5. Heard the arguments and perused the record.

6. The object of compulsory 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.

7. The Hon'ble 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.

(ii) For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can

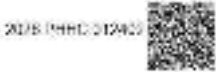


be passed after having due regard to the entire service record of the officer.

- (iii) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.*
- (iv) Even uncommunicated entries in the confidential record can also be taken into consideration.*
- (v) The order of compulsory retirement shall not be passed as a short cut to avoid departmental enquiry when such course is more desirable.*
- (vi) If the officer was given a promotion despite adverse entries made in the confidential record, that is a fact in favour of the officer.*
- (vii) Compulsory retirement shall not be imposed as a punitive measure.”*

8. 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. He was found average employee in many ACR(s) though as per petitioner, these ACR(s) were upgraded at a later stage. On one occasion, the competent authority found him unreliable. He was awarded punishment of censure or warning on 9 different occasions.

9. It is correct that order passed under Rule 9.18 (1)(c) of PPR cannot be stigmatic, however, in the instant case, interference is not



ACR(s) were average. He was awarded punishment though minor on 9 different occasions.

10. Order dated 03.03.2025 passed by this Court in his previous writ petition still exists. He has filed fresh writ petition on the ground that impugned order was supplied in 2025. Copy of impugned order was supplied in 2019 and petitioner is making wrong statement that it was supplied in 2025. He retired in 2019, thus, was very well aware of impugned order. Once order is acted upon, it is disbelievable that it was not served.

11. 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 24.12.2019. Had the impugned order not been passed, the petitioner would have worked for three more years. The extended period has passed away. He was part of Haryana Police Force and his service was pensionable, thus, he must have received pension which is 50% of last drawn salary. He had not worked during said period, thus, at this stage, no interference is warranted.

12. In the wake of aforesaid discussion and findings, this Court is of the considered opinion that the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

29.01.2026
Mohit Kumar

Whether speaking/reasoned	Yes
Whether reportable	Yes