



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

135

CWP-3757-2025 (O&M)
Date of decision: 27.03.2025

RAM RATTAN

....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Kumar Tada, Advocate and
Mr. Mannu Sheokand, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Rajesh Gaur, Advocate
for the respondent-HPGCL and
Ms. Sangeeta, XEN Admin Officer (Courts), HPGL, Panipat.

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 14.01.2025 (Annexure P-1) whereby he has been prematurely retired from the post of Junior Engineer.
2. The petitioner joined office of respondent as Operator-I on 28.05.2008. He was promoted from time to time. By impugned order dated 14.01.2025, he has been prematurely retired.
3. Mr. Sandeep Kumar Tada, Advocate submits that impugned order has been passed in a mechanical manner. There was no adverse material with the Authority but still impugned order has been passed. He was neither issued show cause notice nor granted opportunity of hearing. The respondent even did not seek permission of Haryana Staff Selection Commission.



4. On the asking of Court, Mr. Rajesh Gaur, Advocate produced original file with respect to impugned order.

5. From the perusal of record, this Court finds that respondents neither issued show cause notice as per Note 3 of Rule 144 of Haryana Civil Services (General) Rules, 2016 nor sought prior approval of Haryana Staff Selection Commission. Rule 8(68) and 144 of 2016 Rules which deal with premature retirement are reproduced as below:-

"8(68) "premature retirement" means the retirement of a Government employee from service in public interest on or after attaining the age or completing the qualifying service, as the case may be, prescribed for the purpose;

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xxx

xxx

"Rule 144: Premature retirement after attaining the prescribed age or qualifying service.-

The appointing authority shall, in public interest, have the absolute right to retire prematurely a Government employee of any Group, other than of Group D, on account of inefficiency after attaining the prescribed age irrespective of his length of service or after completion of twenty years' qualifying service irrespective of his age, by giving him a notice of not less than three months in writing or pay and allowances in lieu of notice period. The minimum age prescribed for the purpose, except in case of twenty years' qualifying service, is-

- (i) 50 years for the Government employees who are working on a post of Group 'A' or 'B' and joined service on any post before attaining the age of thirty five years;
- (ii) 55 years for the Government employees who are working on a post of Group 'A' or 'B' and joined service on any post after attaining the age of thirty five years; and



- (iii) 55 years for Government employees working on Group C posts:

Provided that in the case of Judicial Officer, the case for retention in service beyond the age of fifty-eight years shall be considered by the competent authority before he attains such age, irrespective of his date of entry into Government service.

- Note 1- (i) The provision of this rule may be initiated against a Government employee 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 a Government employee'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 ground. It is not the intension to use the provisions of this rule as a financial weapon, that is to say, the provision shall be used only in the case of Government employees who are considered unfit for retention on personal as opposed to financial grounds; and*
- (ii) in cases where reputation for corruption, dishonesty or infamous conduct is clearly established even though no specific instance is likely to be proved under the Haryana Civil Services (Punishment and Appeal) Rules, 2016 or the Public Servants (Inquiries) Act, 1850 (37 of 1850).*

Note 2.- Authority competent to retire under this rule shall carefully examine the record of the Government employee whether he has completed prescribed age or qualifying service, as the case may be, with particular reference to his integrity or otherwise; and if it is desirable in the public interest that he should be retired, action shall be taken accordingly.

Note 3.- The Government employee shall be given a reasonable opportunity to show cause against the proposed premature retirement under this rule. In case of gazetted Government employee, approval of Council of Ministers shall be obtained and in the case of non-gazetted Government employee the



Head of Departments shall effect such retirement with the previous approval of the Administrative Department. In all cases of such retirement the Haryana Public Service Commission or Haryana Staff Selection Commission, as the case may be, shall be consulted.

Note 4.- Heads of Departments shall report to Government in each quarter, the action taken under this rule.

6. On the asking of Court, Mr. Rajesh Gaur, Advocate confirmed that neither opportunity of hearing as contemplated by Note 3 of aforesaid Rule was granted nor prior approval was sought from Haryana Staff Selection Commission by the respondents. As respondents have not complied with procedure prescribed by Rules governing service of the petitioner, the impugned order deserves to be set-aside. It is apt to notice here that the Rules are not mere procedural formalities rather these Rules are safeguards as check and balances to control discretionary powers.

7. In the backdrop, the impugned order dated 14.01.2025 is hereby set-aside with liberty to respondent to pass fresh order in accordance with law.

8. Allowed in above terms.

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

27.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No