



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

Sr. No.122

CWP-12009-2025

Date of Decision: 07.05.2025

Mukesh Kumar

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Babbar Bhan, Advocate, for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 09/11.04.2025, Annexure P-19, whereby the petitioner has been prematurely retired from service by invoking Rule 144 of Haryana Civil Services (General) Rules, 2016.

2. Learned counsel for the petitioner contends that the impugned order is not sustainable as it has been passed in violation of instructions dated 05.02.2019, Annexure P-20, on the subject "Premature Retirement on attaining the age of 50/55 years or on completion of 25 years qualifying service-Revised Policy/Guidelines regarding". In particular, he has referred to the following parameters for premature retirement or continuing in service:

III.(c) Service record of last 10 years should be taken into account and out of this 50% ACR in case of retention beyond 50 years and 70% ACRs in case of retention beyond 55 years or on completion of 25 years qualifying service, should be 'Good' or above.

2.1. It is further contended that chargesheet, dated 06.05.2024, issued under Rule 7 of Haryana Civil Services (P&A) Rules, 2016, taken



into consideration while passing the impugned order, is already under challenge before this Court in CWP No.12748 of 2024. Besides, entire service record of the petitioner has not been taken into consideration wherein not even a single adverse entry has been recorded.

3. Learned State counsel, on the contrary, has contended that chargesheet dated 06.05.2024 issued under Rule 7, and another one issued under Rule 8, dated 31.01.2023, are on different allegations, as is apparent from the impugned order itself. Besides, three FIRs pertaining to offences under Sections 419, 420, 467, 468, 471, 120-B of IPC, and Section 13 of Prevention of Corruption Act, 1988, are pending against the petitioner. Keeping in view the entire service record as well as the chargesheets and his involvement in criminal offences, the competent authority has decided not to retain him in service. She also contends that the impugned order was passed after the Department was granted approval by the Staff Selection Commission in terms of instructions dated 05.02.2019, vide memo dated 11.02.2025. The order, accordingly, is based on relevant considerations, and needs to be upheld.

4. Heard.

5. It is settled proposition of law that order of premature retirement is no punishment. It is for the government to decide whether it is in the public interest to retire an employee prematurely; satisfaction is to be arrived at on relevant considerations, viz., the employee's service record, his/her performance, conduct, etc. There is no denying the fact that the petitioner is facing two chargesheets, and three criminal cases. The guidelines relied upon by learned counsel for the petitioner only require that, *'Service record of last 10 years should be taken into account and out of this ... 70% ACRs in case of retention beyond 55 years or on completion of 25 years qualifying service, should be 'Good' or above'*. Apparently, there is no



bar on prematurely retiring an employee who has more than seventy per cent 'good' or above ACRs. Perusal of the impugned order shows it is based on relevant considerations. There is no *mala fide* involved, nor can it be termed arbitrary.

6. In view thereof, no ground to entertain the petition is made out and it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

07.05.2025

Maninder

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