



CWP-26483-2025

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

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CWP-26483-2025

Date of Decision: 17.09.2025

ASI Roop Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. U.K. Agnihotri, Advocate and
Mr. Anuj Y. Attri, Advocate for the petitioner
Mr. Ashok Kumar Khubbar,
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 order dated 06.06.2025 whereby he has been made to retire from service at the age of 55 years.

2. The petitioner joined Haryana Police Force as Constable on 14.07.1992. He, from time to time, was promoted to higher ranks. He was implicated in FIR No.27 dated 16.10.2023 under Section 7 of Prevention of Corruption Act, 1988 (for short '**PC Act**') registered at Police Station Anti-Corruption Bureau, Ambala. The respondent started a departmental inquiry. He was dismissed from service without conducting inquiry as required by Rule 16.24 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short '**PPR**') read with Article 311 of the Constitution of India. He preferred appeal against order of dismissal. The Appellate Authority dismissed his appeal and he carried the matter before Revisionary Authority which ordered to reinstate him. The department initiated fresh inquiry. In the



fresh inquiry, he was demoted from the rank of Assistant Sub-Inspector to Head Constable vide order dated 11.03.2025. He preferred appeal challenging his order of reduction in rank. He was also awarded punishment of stoppage of two increments. He preferred an appeal. The Appellate Authority vide order dated 26.05.2025 set aside order awarding punishment of stoppage of two increments.

3. Learned counsel for the petitioner submits that the petitioner has filed representation against adverse remarks recorded in Annual Confidential Report ('ACR') for the period from July' 2023 to October' 2023. The matter arising out of FIR under Section 7 of PC Act was investigated by a Retired Officer. Police report filed under Section 173 Cr.P.C. on the basis of investigation conducted by Retired Officer is bad in the eye of law. The petitioner has preferred *CRM-M No.59198 of 2024* before this Court seeking quashing of FIR as well as consequent proceedings. The matter is pending for hearing on 12.11.2025. The petitioner was subjected to multiple punishments. Every time, he was exonerated by higher authorities. This shows that he has been persecuted. There is no reason to retire him at the age of 55 years in terms of Rule 9.18 of PPR.

4. During the course of hearing, learned State counsel produced original office file. Perused the file and is returned to learned State counsel.

5. 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 has also considered pending/concluded departmental proceedings as well as criminal proceedings. The said authority has also noticed punishments awarded to petitioner and their ultimate fate. The Authorities after examining the entire service record have 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. The order has been passed by competent authority. Multiple times, the petitioner was awarded minor or major punishments. Even as on day, he is facing criminal proceedings. On one occasion, the Reporting Authority doubted his integrity in the ACR. As per instructions issued by the State Government, if integrity of an officer is doubtful, he is bound to be retired on attaining the age of 55 years.

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

(JAGMOHAN BANSAL)
JUDGE

17.09.2025
Mohit Kumar

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