



CWP-16957-2014(O&M)

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

CWP-16957-2014(O&M)

Reserved on: 24.03.2026

Pronounced on: 26.05.2026

Uploaded on: 26.05.2026

Whether only operative part of the judgment is pronounced or the full Judgment is pronounced: **Full Judgment**

BASESHAR SINGH**...PETITIONER****VS.****PUNJAB AND HARYANA HIGH COURT & OTHERS****... RESPONDENTS**

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. R.K. Malik, Sr. Advocate (arguing counsel) with
Mr. Sandeep Dhull, Advocate, for the petitioner.

Mr. Sumeet Mahajan, Sr. Advocate (arguing counsel) with
Ms. Shruti Singla, Advocate, and
Ms. Balpreet K. Sidhu, Advocate for respondent-High Court.

SANJIV BERRY, J.

1. The petitioner has filed the instant petition challenging the impugned order dated 17.09.2013 (Annexure P-1) passed by respondent No.2 on the recommendation of respondent No.1, retiring the petitioner prematurely from government service on attaining the age of 50 years in public interest. Challenge is also to the consequential orders passed by respondent No.2 dated 07.11.2013 (Annexure P-2) and also to the subsequent orders (Annexure P4, P-5 & P-6) rejecting the representations of the petitioner.

2. Briefly stating the facts of the case as averred by the petitioner are that the petitioner joined as Civil Judge-cum-Judicial Magistrate on 26.10.1995



and was promoted to the post of Additional Civil Judge (Senior Division) in the year 2000 and later designated as Chief Judicial Magistrate-cum-Civil Judge (Senior Division) in the year 2003. The petitioner was promoted as Additional Sessions Judge Fast Track Court on 28.07.2009, however, on account of the fact that since the scheme was funded by Central Government and was subsequently discontinued, the petitioner was repatriated to the original cadre of Civil Judge (Senior Division) and transferred as such from Sirsa to Nuh on 31.03.2011.

2.1 While being posted as Additional District & Sessions Judge Sirsa petitioner decided one Civil Appeal No. CA-24 of 23.02.2010 vide judgment dated 30.11.2010 which was challenged in Regular Second Appeal (RSA) No. 416 of 2011 wherein notice of motion was issued vide order (Annexure P-14), however one letter dated 14.02.2011 (Annexure P-13) addressed to the Administrative Judge, Sirsa, it was pointed out by the Judge dealing with the said Regular Second Appeal that the petitioner had no elementary knowledge of law. The petitioner was placed under suspension vide order dated 06.08.2011 and a charge-sheet was issued on 19.10.2011 which was replied too by the petitioner. Subsequently, the Inquiry Report dated 29.09.2014 exonerated the petitioner and the Regular Departmental Inquiry was dropped by the High Court with a simple warning to the petitioner 'to remain careful in future' vide order dated 01.02.2013 (Annexure-15).

2.2 The petitioner was reinstated as Chief Judicial Magistrate-cum-Secretary District Legal Service Authority Rewari vide order dated 29.01.2013.

2.3 While being posted as Additional District & Sessions Judge, Fast Track Court, Sirsa, on account of the Administrative Judge having control for



the period 01.04.2010 to 30.10.2010 being transferred, no ACR was recorded by him for the said period. For the later period i.e. 01.11.2010 to 31.03.2011 the District was allocated to another Administrative Judge.

2.4 It is averred that the said Administrative Judge had recorded similar remarks about, *“there being large number of complaints from the members of the Bar, besides the general reputation being not good”*, qua the petitioner as well as one Naresh Kumar Singhal the then Chief Judicial Magistrate, Sirsa. However due to discriminatory treatment, the ACR of the petitioner was graded as ‘C Integrity doubtful’ while that of the other officer was recorded as ‘B-Plus (Good)’.

2.5 It appears that the Administrative Judge was swayed by an uncalled for and unsubstantiated letter, Annexure P-13, sent by the Hon’ble Judge dealing with a Regular Second Appeal No.416 of 2011 and treated the same as the sole basis for making the adverse remarks on the integrity of the petitioner in the ACR even without waiting for the final disposal of the Regular Second Appeal ultimately leading his premature retirement at the age of 50 years.

2.6 It is reiterated that the petitioner was exonerated in the Regular Departmental Inquiry and a simple warning ‘to be careful in future’ was awarded. The learned Administrative Judge recorded the ACR for a period of 5 months, that too without being substantiated by any complaint but on the basis of general whispers in the Bar, while ignoring the period during which the earlier Administrative Judge remained in control over the Sessions Division from 01.04.2010 to 31.10.2010.

2.7 The petitioner had an unblemished service record since the joining of service but was retired from service vide impugned order dated 07.11.2013



(Annexure P-2) primarily on the basis of the adverse remarks given by the Administrative Judge, Sirsa in the ACR pertaining to the period 01.11.2010 to 31.03.2011. Hence the writ petition.

3. Upon notice, petition was contested by the respondent by filing written statement wherein the factual position qua the appointment and posting as well as intervening promotions of the petitioner were not disputed.

3.1. While denying the allegations, it was submitted that the petitioner was awarded 'C Integrity doubtful' remark in the Annual Confidential Report for the year 2010-2011 and his case for retention of service beyond 50 years was considered by Administrative Committee and also by the Hon'ble Judges in the Full Court, wherein it was decided to retire him prematurely from service. The recommendation was made to the State Government, accordingly the petitioner was prematurely retired from service in public interest by giving him 3 months pay and allowance in lieu of notice, which has been done in accordance with law.

4. We have heard learned counsel for the parties and perused the record.

5. It has been emphasized by senior counsel for the petitioner that the petitioner being brought up in a modest background, initially joined services as Assistant Sub-Inspector in Haryana on 01.02.1994 and later applied through proper channel and got selected in the Haryana Civil Services (Judicial Branch) by Haryana Public Service Commission. The petitioner joined as Civil Judge-cum-Judicial Magistrate IInd Class on 26.10.1995 and on account of his hard work and dedication, he was granted regular promotions, earned 'Good/Very Good' remarks in his Annual Confidential Reports during all these years.



5.1 He contends that the work, conduct and reputation became doubtful without any complaint from any quarter but on the whims of the Administrative Judge who was Incharge of the Session Division for the period 01.11.2010 to 31.03.2011, after the Administrative Judge to whom the Session Division was allocated earlier stood transferred to the Madras High Court, at Chennai.

5.2 He contends that during the inspection, identical remarks were recorded by the Administrative Judge in the ACR of the petitioner and also one judicial officer working as CJM Sirsa whose ACR is at (Annexure P-12), however, the grading of the petitioner was recorded without any basis or complaint from any quarter as “C below average – doubtful integrity” whereas that of the other officer was recorded as “B plus (Good)”.

5.3 He further contends that during the period, one Regular Second Appeal (RSA) No. 416 of 2011 against the decision of the petitioner was instituted wherein the learned Judge dealing with the same had written a note dated 14.02.2011 (Annexure P-13) to the learned Administrative Judge.

5.4 He contends that the learned Administrative Judge considered the said note, without caring for the final out come of the aforesaid RSA and even the Departmental Inquiry was initiated on the basis of such decision given by the petitioner in Civil Appeal No. CA-24 of 23.02.2010 decided on 30.11.2010 wherein vide order dated 01.02.2013 (Annexure P-15), the High Court had dropped the Disciplinary Proceedings after Inquiry Report of the Regular Departmental Inquiry with a warning to the petitioner ‘to remain careful in future’ but, despite the petitioner being exonerated in the Departmental Inquiry the impugned order dated 07.11.2013 (Annexure P-2) prematurely retiring the



petitioner on attaining the age of 50 years was passed, which is not in accordance with law and is liable to be set-aside.

5.5 He has referred to the judgment of this Court passed in ***CWP No. 24938-2012 titled as Dr. Shiva Sharma vs. High Court of Punjab and Haryana and Another decided on 15.09.2025*** to assert that the same applies *mutatis mutandis* to the facts and circumstances of the present case and prayed for acceptance of the petition.

6. Per contra, learned counsel representing the respondent-High Court submits that the Annual Confidential Report (ACR) of the petitioner for the year 2010-2011 was graded as 'C' integrity doubtful' whereas the representation filed by the petitioner was rejected by the High Court. The decision dated 30.11.2010 rendered by the petitioner while working as Additional District & Sessions Judge, Sirsa in Civil Appeal No. CA-24 of 23.02.2010 was challenged in Regular Second Appeal (RSA) No. 416 of 2011, wherein learned Judge upon hearing sent a note (Annexure P-13) to the Administrative Judge, Sirsa regarding the conduct of the petitioner and based thereon, a Regular Departmental Inquiry was initiated and the petitioner was placed under suspension. Although, later the suspension was revoked and the inquiry was dropped vide letter dated 01.02.2013 (Annexure P-15) by extending warning to the petitioner "to remain careful in future while dealing with such like matters".

6.1 He contends that the service record of the petitioner was assessed by the Administrative Committee on attaining the age of 50 years as per Rules and it was decided to retire him prematurely at the age of 50 years which was also affirmed by the Judges of the High Court in the Full Court meeting and accordingly the impugned order Annexure P-1 and P-2 were passed which is



not stigmatic but in public interest only. Hence prayed for dismissal of the petition.

7. After considering the rival contentions and perusing the record, it is observed that there is no dispute qua the appointment of the petitioner and his consequent promotions at the relevant times. During his service tenure he had earned following Annual Confidential Reports(ACR's):-

PRECISE OF ANNUAL CONFIDENTIAL REMARKS ON THE WORK AND CONDUCT OF SH. BASESHAR SINGH, FORMER MEMBER OF HARYANA CIVIL JUDICIAL BRANCH (Appointed as Sub Judge w.e.f. 26-10-1995)

Year	Remarks by the High Court
1995-96	B-Satisfactory
1996-97	B-Satisfactory
1997-98	B-Satisfactory
1998-99	B plus (Good)
1999-2000	B plus (Good)
2000-2001	B plus (Good)
2001-2002	B plus (Good)
2002-2003	B plus (Good)
2003-2004	B plus (Good)
2004-2005	B plus (Good)
2005-2006	B plus (Good)
2006-2007	B plus (Good)
2007-2008	B plus (Good)
2008-2009	A very Good
2009-2010	B plus (Good)
2010-2011	C-Integrity Doubtful
2011-2012 & 2012-2013	Inspection remarks were not recorded as the officer remained under suspension w.e.f. 5-8-2011 to 28-01-2013

8. In the year 2010-2011 Mr. Justice Vinod Sharma who was allocated the Session Division-Sirsa, was transferred to Madras High Court, at Chennai in October 2010 and as such he remained Administrative Judge, Session Division Sirsa w.e.f. 01.04.2010 to 31.10.2010. For the remaining period, another Administrative Judge was allocated the Session Division Sirsa from 01.11.2010 to 31.03.2011. During this period the Administrative Judge visited Sirsa thrice, once on surprise visit on 02.11.2010, secondly on 10.12.2010 at the time of inauguration of the Judicial Court at Ellenabad and



thirdly in January 2011 for formal inspection. Almost identical remarks were recorded qua the petitioner and another officer working as CJM at the time whose ACR is annexed as Annexure P-12.

8.1 From the record it transpires that one of the order passed by the petitioner in Civil Appeal No. CA-24 of 23.02.2010 was challenged in Regular Second Appeal (RSA) No. 416 of 2011, wherein order dated 14.02.2011 (Annexure P-14) was passed and the learned Judge dealing with RSA also sent a note dated 14.02.2011 (Annexure P-13) to the Administrative Judge, Sirsa. Based on the same, a Regular Departmental Inquiry was initiated against the petitioner and he was also placed under suspension w.e.f. 06.08.2011. However, it is evident from the order dated 01.02.2013 (Annexure P-15) that consequent upon receiving the report in the Departmental Inquiry the same was “dropped’ and the petitioner was warned “to be careful in future while dealing with such like matters”.

8.2 It appears that the note dated 04.02.2011 (Annexure P-13) might have weighed on the mind of the Administrative Judge who took hasty decision in recording the petitioner’s reputation without waiting for the outcome of the RSA and the Departmental Inquiry.

8.3 It is a fact that the Administrative Judge who was allocated Session Division, Sirsa for the period w.e.f. 01.11.2010 to 31.03.2011 had recorded the ACR (Annexure P-3) of the petitioner. The earlier Administrative Judge of the Session Division, Sirsa for the period 01.04.2010 to 31.10.2010 had not recorded any ACR.

8.4 For the sake of reference, the ACR’s recorded qua petitioner (Annexure P-3) and qua the officer posted as CJM, Sirsa (Annexure P-12)) for the relevant period 01.11.2010 to 31.03.2011 are reproduced here as under:-



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**Annual Confidential Remarks on the petitioner for the period
1-11- 2010 to 31-3-2011 (2010-2011)**

Sr. No.	Particulars	To be filled by the Administrative Judge
1	Quality of work. (a) conduct of business in court and office: (b) Quality of Judgments:	Just Efficient Good
2.	Quantity of Work	Very good. On an average, officer has earned more than 130 units perm month.
3	Capacity of management, leadership, initiative, planning and decision making	Incapable of taking initiative or to lad, Management skills are just satisfactory.
4	Inter-personal relationship and team work	Inter personal relationship are good enough. However, there is scope of improvement.
5	State of health	Good
6	Period under observation of the Administrative Judge	01.11.2010 to 31.03.2011
7	Integrity	There are number of complaints against the officer by the members of the Bar. Few litigants also complained against his style of working. There was lack of trust and faith in his working. None is substantiated by any evidence. General reputation amongst the bar, public and officers fraternity is not good. Needs a close watch.
8	General assesment, regarding strength and shortcomings	There is lot of scope of improvement in the manner of working and conduct of the officer. The officer is in the habit of having very intense relationship with the police officials. They also visit him in his retiring room frequently. Advice to maintain distance from police officer who are the biggest litigants of the Court.
9	Grading: A Plus (Outstanding) A-Very Good B Plus (Good) B-Average/Satisfactory C-Below Average	C Integrity doubtful



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**Annual Confidential Remarks on the Naresh Kumar Singhal, the then Chief
Judicial Magistrate, Sirsa for the period 1-11- 2010 to 31-3-2011 (2010-2011)**

Sr. No.	Particulars	To be filled by the Administrative Judge
1	Quality of work. (a) conduct of business in court and office: (b) Quality of Judgments:	Efficient Good
2.	Quantity of Work	Very good. The officer has earned on an average of 290 units per month.
3	Capacity of management, leadership, initiative, planning and decision making	Good
4	Inter-personal relationship and team work	Inter personal relationship is good enough team work.
5	State of health	Very Good
6	Period under observation of the Administrative Judge	01.11.2010 to 31.03.2011
7	Integrity	There are number of complaints against the officer by the members of the bar, but none is substantiated by any evidence. General reputation amongst the bar, public and officers fraternity is good. Needs a close watch.
8	General assesment, regarding strength and shortcomings	There is a scope of improvement in the manner of working. The management of court work could have been better. The officer is also too social. He frequently Meets executive and police officers and Few of the local people. Advise to maintain gap.
9	Grading: A Plus (Outstanding) A-Very Good B Plus (Good) B-Average/Satisfactory C-Below Average	B-plus (good)

8.5 Admittedly as per Annexure P-19, there is no written complaint received against the petitioner for the period under suspension.



9. Thus, in the above discussion, in the backdrop of the facts and circumstances of the case of the petitioner especially the fact that ACRs of the petitioner throughout from 1995 till 2009 had been recorded as Satisfactory, Good or Very Good and there had not been any adverse remarks ever conveyed to the petitioner in his entire career spanning approximately 19 years, no written complaint was received against him during the period in question from any quarter, and also the fact that Regular Departmental Inquiry was ultimately dropped by the High Court. Thus in the peculiar circumstances of the case, the decision rendered by High Court in ***Dr. Shiva Sharma's case*** (supra) applies *mutatis mutandis* to the extent of the petitioner's case.

10. Admittedly the SLP (C) No. 006641/2026 preferred against ***Dr. Shiva Sharma's case*** (supra) stood dismissed by the Hon'ble Supreme Court on 13.02.2026.

11. In ***Dr. Shiva Sharma's case*** (supra) also the ACR of the Judicial Officer pertained to the same Sessions Division, the same period, and was recorded by the same Administrative Judge for a period of 5 months.

12. Admittedly there was no complaint against the petitioner during the relevant period, as is evident from (Annexure P-19). Further the Regular Departmental Inquiry initiated against the petitioner on the basis of the note dated 14.02.2011 (Annexure P-13) was also ultimately dropped vide order dated 01.02.2013 (Annexure P-15).

13. The relevant paras of ***Dr. Shiva Sharma's case*** (supra) are reproduced here as under:-

"2.11 In the last appraisal year i.e. 2009-2010, the petitioner earned the grade of 'Very Good in his ACR. Thereafter, in the final year of his career i.e. the appraisal year 2010-2011, no remarks could be penned down by the then Administrative Judge



of Sessions Division, Sirsa in the first seven months from April 2010 to October, 2010, on account of his transfer in the Madras High Court at Chennai.

2.12 *In the remaining five months of the appraisal year 2010-2011 i.e. from 01.11.2010 to 31.03.2011, the new Administrative Judge, Hon'ble Mr. Justice Alok Singh, carried out inspection and recorded adverse remarks. He found that an Officer who had rendered 'Good' or 'Very Good' performance in his entire 30 years of service, suddenly became an officer of worst reputation with his 'Integrity Doubtful' who exercises discriminatory tactics while recording remarks in the ACR's of Subordinate Judicial Officers. All these adverse remarks written in the last five months of the appraisal year 2010-2011 were not based on any written complaints or verified material or any overt or covert inquiry, but on unsubstantiated material/evidence/allegations.*

2.13 *The least which the then Administrative Judge ought to have done, is to conduct a covert vigilance inquiry, asking for the response of the petitioner. If such an inquiry would have revealed, some prima facie material of petitioner having committed misconduct, then proper course would have been to initiate a regular inquiry, after affording due and sufficient opportunity to the petitioner to defend himself. None of these steps were adopted. Instead, the short-cut method was adopted by declaring the petitioner to be unfit to be retained in service at the age of 58 years, by way of compulsory retirement in public interest.*

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3.1 *In the present case, it is obvious from the record that the irrelevant material of earlier adverse remarks recorded in some of the ACRs was also taken into account, which had become inconsequential, on account of the petitioner having been subsequently promoted and designation through a selection*



process. The irrelevant material of the adverse remarks in the last five months of the ACR for the appraisal year 2010-2011, recorded by the then Administrative Judge, Hon'ble Mr. Justice Alok Singh were further taken into account, by ignoring the fact that an Officer who had earned 'Good' or 'Very Good' remarks throughout his entire service career of 30 years, cannot overnight become bad to the extent of rendering his 'Integrity Doubtful'. No man of ordinary prudence can take a such decision, and, therefore, the impugned decision assailed herein abhorrent to the Wednesbury principle. The Competent Authority in all probability did not notice the element of malafide in law, which became palpable in the present case, especially on the part of the Administrative Judge, who recorded adverse remarks in the last five months of the ACR of petitioner, for the appraisal year 2010-2011.

14. Resultantly in the light of above discussion, we find the impugned order dated 17.09.2013 (Annexure P-1) passed by the Competent Authority, retiring the petitioner prematurely from Government Service upon his attaining the age of 50 years in public interest suffers from infirmity, illegality, impropriety, therefore cannot be sustained in the eyes of law.

15. Consequently the present petition stands allowed to the following extent:-

- (i) The order dated 17.09.2013 of Compulsory Retirement of the petitioner in public interest (Annexure P-1) passed by the Governor of the State of Haryana, on the recommendations of this High Court, under Rule 5.32A(C) of the Punjab Civil Services Rules, Volume-II and rule 3.26 (d) (i) of Punjab Civil Services Rules, Volume-I, Part-I as applicable to the State of Haryana, is set-aside.



- (ii) The petitioner is further entitled to all consequential benefits including notional seniority, pay fixation till his superannuation, fixation of pension, payment of arrears of pension, except payment of arrears of salary for the period, he remained out of service.

16. Pending Civil Miscellaneous application(s), if any, also stand disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 26.05.2026

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |