

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WA.No. 1424 of 2015 () IN WP(C).20496/2012

AGAINST THE JUDGMENT IN WP(C) 20496/2012 DATED 17-03-2015

APPELLANT(S)/PETITIONER :-

K.RAJENDRAN PILLAI, AGED 55 YEARS, S/O.NANU PILLAI
No.812320213 (HEAD CONSTABLE/GD), CISF UNIT,
KKNPP KUDANKULAM, R/A.THADATHIVILOA THEKKETHIL HOUSE,
VADAKKUMTHALA EAST.P.O., KARUNAGAPPALLY,
KOLLAM - 690 536.

BY ADV. SRI.B.N.SHIVSANKAR

RESPONDENT(S)/RESPONDENTS :-

1. COMMANDANT, CISF, CISF UNIT,
KKNPP, KUDANKULAM - 627 756.
2. SENIOR COMMANDANT, CISF, CISF UNIT,
DAE KALPAKKAM, KANCHEEPURAM DISTRICT, PIN - 603 102.
3. THE DIRECTOR GENERAL, CISF HEAD QUARTERS,
BLOCK No.13, CGO'S COMPLEX, LODHI ROAD,
NEW DELHI - 110 003.

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.1424 of 2015

Dated this the 15th day of July 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard.

2. This writ appeal has been filed against the judgment dated 17.3.2015 passed in W.P.(C) No.20496 of 2012. The writ petition was filed by the appellant challenging Ext.P4 order declining the petitioner to continue in service upto the age of 60 years. By an order dated 23.11.2011, in exercise of the power under Clause 1(b) of the Central Civil Services (Pension) Rules, 1972, the petitioner was compulsorily retired from service since he had already completed 30 years of service qualifying for pension. The petitioner filed a representation against the said order before the Directorate General, Central Industrial Security Force, which was also rejected vide order dated 25.7.2012. The Directorate General, while rejecting the representation, has mentioned the following in paragraph 03 :-

“03. The Representation Committee has gone through his entire service records i.e. ACRs, punishments etc. The

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individual has been awarded 07 punishments during his entire service. His punishments relate to various indisciplined activities such as :-

- (a) Found sleeping on duty in the year 1985, 1986 & 1996.
- (b) Violated the orders of superiors in the year 1992.
- (c) Misbehaved with seniors in the year 2000.
- (d) Allowed MPT Goa employee to go outside by detaining the materials in the year 2008.
- (e) Used filthy language to Mahila Constable in the year 2009."

The learned Single Judge, by the impugned judgment, dismissed the writ petition noticing the materials which were available for taking a decision against the petitioner for his retirement.

3. Learned counsel for the appellant, challenging the order, contended that the appellant has improved a lot and in the last years' of his service, there was no adverse comment. He further contends that there were other employees, who had worse service records, were retained in service, whereas, the petitioner has been compulsorily retired.

4. We have considered the submissions made by the learned counsel for the parties and perused the records.

5. The respondents, in exercise of statutory power on fulfilling the condition has taken a decision to retire the petitioner. The materials indicated in the order of the Directorate General as noted above are sufficient to support the decision of retirement. It is the authority competent, who is entitled to take a decision on the basis of the entire service records of an employee, regarding his retirement. This Court in exercise of writ jurisdiction cannot substitute its opinion. The order of retirement can be interfered with only when it is perverse or based on no materials. There being clear materials available for taking such a decision. We are of the view that it is not a fit case for judicial review by this Court. The learned Single Judge has not committed any error in dismissing the writ petition.

6. In so far as the submission of the petitioner that there were other employees, who had worse record of service and they were retained, it is not for us to enter into the said issues and it is for the authority, who are competent to take a decision. Even if the said submission is accepted, there is some error with regard to some employee, for which, we do not

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express any opinion, that may not make the order passed in regard to the petitioner invalid.

In the above view of the matter, we do not find any merit in the writ appeal. Accordingly, the same is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt