



2025:DHC:10390-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 21.11.2025***+ W.P.(C) 7272/2024
NIRANJAN KAUR

.....Petitioner

Through: Mr. Rajinder Nischal, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Jivesh Kumar, Tiwari,
CGSC.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed challenging the Order dated 23.02.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 4476/2017 titled as *Niranjan Kaur v. Union of India & Anr.*, whereby the learned Tribunal dismissed the O.A filed by the petitioner herein.

2. The petitioner had filed the aforesaid O.A. challenging the orders dated 21.06.2016 and 14.03.2017, whereby the petitioner was compulsorily retired from service under FR 56 (j) and her representation thereagainst had been rejected.

3. The learned counsel for the petitioner submits that the petitioner



had an unblemished service record of thirty four years prior to her being compulsorily retired. Her ACRs for at least the last five years preceding her retirement were either 'very good' or 'outstanding'. During her entire service, she had only once, in the year 2002, been visited with a penalty of 'withholding of one increment for six months without cumulative effect', which penalty was also subsequently withdrawn by the Appellate Authority *vide* order dated 20.12.2002.

4. He highlights that the petitioner was also granted promotion to the post of Deputy Secretary on 14.11.2012 on an ad hoc basis, which was later regularized with effect from November, 2015. The petitioner was also placed in the Select List for the post of Deputy Secretary (Selection Grade) in November, 2015.

5. He submits that the allegations on the basis of which the Screening Committee proceeded against the petitioner did not even form part of the APAR of the petitioner for the year 2015-16, and were, in fact, wholly contrary to the same. He submits that, subsequent to the decisions taken, even the Minister of State for Agriculture & Farmers Welfare and Parliamentary Affairs, *vide* letter dated 14.07.2017, recommended that the case of the petitioner be reconsidered for restoration of her service.

6. *Per contra*, the learned counsel for the respondents has drawn our attention to the minutes of Meeting of the Committee dated 24.05.2016, which showed that the Committee had proceeded on the basis of information received from the Additional Secretary, Department of Agriculture Research & Education (DARE) dated 15.02.2016, which had *inter alia* reported the following against the



petitioner:

“3.2 The Committee reviewed the available information and the proceedings of the previous meeting. The Department of Agriculture Research & Education, inter-alia, has furnished the following information vide D.O. no. A-19013/40/2013-Estt(Pt.) dated 15.02.2016 from Additional Secretary (DARE) about Smt. Niranjana Kaur, Deputy Secretary in that department. In the comments, the following has been stated:

(i) Her performance and shouldering of responsibility as Deputy Secretary are much to be desired of;

(ii) As regards her integrity and details of complaints if any received against her it was informed that her personal file has been missing even though she has been dealing with Establishment matters of the Department.

(iii) She is in the habit of taking leave without approval. Most of the time, leave applications are sent from home irrespective of urgencies of official work. She is found absent during office hours and not available for discussion/consultations. Her contribution on files is negligible. She is the only officer who has not enrolled for biometric attendance.”

7. He highlights that the Committee also took note of the fact that subsequently it had received an O.M. dated 19.02.2016 which, contrary to the first report, had stated that the overall conduct of the officer was satisfactory. Since these were contradictory reports, an explanation was sought from DARE, which clarified that the subsequent O.M. was not issued with the approval of the Secretary and appeared to be forged.

8. He further submits that the Committee also took note of the fact that the petitioner had on an earlier occasion been visited with the



penalty mentioned hereinabove, and it was only on account of her family circumstances that the same had been recalled. Keeping in view the aforesaid factors, the Committee recommended that the petitioner be compulsorily retired from service. The representation filed against this decision was also rejected by the competent authority in its meeting dated 16.09.2016, taking note of the aforesaid facts.

9. He further submits that the Committee had also taken into consideration the APARs of the petitioner before arriving at its conclusion, therefore, merely because the APARs of the petitioner had been 'very good' or 'outstanding' cannot come to the aid of the petitioner.

10. He submits that the decision of the Screening Committee as also the Representation Committee ought not to be interfered with, especially in matters relating to compulsory retirement as it does not cast any stigma on the officer concerned. In support of his submissions, the learned counsel places reliance on the Judgments of the Supreme Court in *Union of India v. Col. J.N Sinha, Ex- Director, Survey of India & Anr.*, (1970) 2 SCC 458, and *State of Gujarat v. Umedbhai M. Patel*, (2001) 3 SCC 314.

11. We have considered the submissions made by the learned counsels for the parties.

12. Insofar as the law applicable to judicial review of a decision to compulsorily retire an officer is concerned, a Coordinate Bench of this Court in its recent decision in *Ajay Kumar Sharma v. The Commissioner, South Delhi Municipal Corporation & Anr.*, 2025:DHC:4466-DB, has succinctly summarised the same as under:



“22.5 The Takeaway

From the above judgments, the following principles emerge, in the matter of compulsory retirement, where it is not awarded as a punishment:

- (i) The scope of judicial review, in matter of compulsory retirement, is fairly limited.*
- (ii) Compulsory retirement involves no penal consequences.*
- (iii) At the same time, if unlimited discretion I permitted to the administration in the matter of passing orders of compulsory retirement, it would be the surest menace to public interest and must fail for unreasonable, arbitrariness and disguised dismissal.*
- (iv) The exercise of power to compulsory retire an officer must be bona fide and to promote public interest.*
- (v) It is permissible to lift the veil in order to ascertain whether an order of compulsory retirement is based on any misconduct of the government servant and whether the order has been made bona fide without any oblique and extraneous purpose.*
- (vi) A bona fide order of compulsory retirement can be challenged only on the ground that the requisite opinion has not been informed, the decision is based on collateral factors or is arbitrary.*
- (vii) The court cannot sit in appeal over an order of compulsory retirement, but can interfere if it is satisfied that the order is passed mala fide, or is based on no evidence, or is arbitrary, in the sense that no reasonable person would form the requisite opinion in the given material.*
- (vii) The object of compulsory retirement, where it is not awarded as a punishment, aims at weeding out dead wood to maintain efficiency and initiative in the service, and dispensing with the services of those whose integrity is doubtful so as to preserve purity in the administration.*
- (ix) If the order of compulsory retirement casts a stigma on the government servant or*



contains any statement casting aspersion on his conduct or character, it would be treated as an order of punishment, attracting Article 311(2) of the Constitution of India. If, however, the order of compulsory retirement refers only to an assessment of his work and does not cast an aspersion on his conduct or character, the order of compulsory retirement cannot be treated as an order of punishment. The test would be the manner in which a reasonable person would read or understand the order of compulsory retirement.

(x) FR 56(j) does not require any opportunity to show cause to be provided before an order of compulsory retirement is passed.

(xi) Before passing an order of compulsory retirement, the entire service record of the officer has to be taken into account.

(xii) The gradings in the ACRs of the officer are relevant. The performance of the officer in later years, including the gradings granted in later years, would be of greater relevance than those in earlier years. Where the ACRs continuously record the integrity of the officer as being "beyond doubt", or grade him "outstanding" or "very good", it is an important factor in favour of the officer, and would, in a given case, vitiate the order of compulsory retirement, unless it is shown that, between the last such entry and the passing of the order of compulsory retirement, there was sudden and unexplained deterioration in the performance of the officer.

(xiii) Uncommunicated adverse entries in the ACRs of the officer can also be taken into account before passing an order of compulsory retirement.

(xiv) Grant of promotion to an officer despite adverse entries in his confidential record is a factor operating in favour of the officer. Promotion to a higher post notwithstanding adverse remarks result in the adverse remarks losing their sting.

(xv) The fact that the officer was allowed to cross the efficiency bar, or was granted



promotion after the events which formed the basis of the order of compulsory retirement, is also a relevant consideration.

(xvi) The subjective satisfaction of the authority passing an order of compulsory retirement must be based on valid material.

(xvii) Compulsory retirement is not required to be by a speaking order.

(xviii) The principle of audi alteram partem has no application in the case of compulsory retirement.”

13. From the aforesaid principles, it is evident that the scope of judicial review in matters pertaining to compulsory retirement is limited, especially because it does not entail any penal consequences. At the same time, where the Court finds that the relevant material has not been taken into consideration by the Screening Committee, or that the Screening Committee has based its decision upon extraneous material, the Court would not be barred from interfering with such decision making process. Though the Court cannot sit in appeal over an order of compulsory retirement, however, it can certainly interfere where it finds that, based upon the material on record, no reasonable person would have formed the opinion as formed by the Screening Committee. The present case is one such instance.

14. As is evident from a perusal of the minutes of the Screening Committee as also the Representation Committee, the entire focus of the Committee was centered upon the report dated 15.02.2016 received from the Additional Secretary (DARE).

15. Interestingly, for the very same period, we have the APAR of the petitioner for the year 2015-16 on record before us. The same gives the following grading to the petitioner for various attributes:



(अ) कार्य निष्पादन का मूल्यांकन (इस भाग का भार 40% होगा)
(A) Assessment of work output (weightage to this Section would be 40%)

	प्रतिवेदन प्राधिकारी Reporting Authority	पुनर्विलोकन प्राधिकारी (संदर्भ भाग-5 का पैरा 2) Reviewing Authority (Refer Para 2 of Part-5)	पुनर्विलोकन प्राधिकारी के आक्षेप Initial of Reviewing Authority
i) पूर्वनिर्धारित कार्य की पूर्णतः कार्य के आधार पर आक्षेप Accomplishment of planned work/work allotted as per subjects allotted	9.0	9.0	
ii) कार्य निष्पादन की शक्ति Quality of output	9.0	9.0	
iii) विश्लेषणात्मक योग्यता Analytical ability	9.0	9.0	
iv) अपेक्षाकृत कार्य की पूर्णतः कार्य का आक्षेपित कार्य Accomplishment of exceptional work/uniform work	8.5	8.5	
Overall Grading on Work Output	9.0	9.0	

(ब) व्यक्तिगत विशेषताओं का मूल्यांकन (इस भाग का भार 30% होगा)
(B) Assessment of personal attributes (weightage to this Section would be 30%)

	प्रतिवेदन प्राधिकारी Reporting Authority	पुनर्विलोकन प्राधिकारी (संदर्भ भाग-5 का पैरा 2) Reviewing Authority (Refer Para 2 of Part-5)	पुनर्विलोकन प्राधिकारी के आक्षेप Initial of Reviewing Authority
i) कार्य की उत्प्रेरणा Attitude to work	8.0	8.0	
ii) जिम्मेदारी का बोध Sense of responsibility	8.0	8.0	
iii) अनुशासन की अनुपस्थिति Maintenance of Discipline	8.0	8.0	
iv) संचारण क्षमता Communication skills	8.8	8.8	
v) नेतृत्व गुण Leadership qualities	8.8	8.8	
vi) कार्य के भावना में कार्य करने की क्षमता Capacity to work in team spirit	8.9	8.9	
vii) समय वास्तविकता का अनुपालन करने की क्षमता Capacity to adhere to time-schedule	8.0	8.0	
viii) पारस्परिक संबंध Inter-personal relations	9.5	9.5	
ix) समग्र प्रतिष्ठित और व्यक्तित्व Overall bearing and personality	8.5	8.5	
Overall Grading on 'Personal Attributes'	8.8	8.8	

(स) प्रकार्यात्मक सक्षमता का मूल्यांकन (इस भाग का भार 30% होगा)
(C) Assessment of functional competency (weightage to this Section would be 30%)

	प्रतिवेदन प्राधिकारी Reporting Authority	पुनर्विलोकन प्राधिकारी (संदर्भ भाग-5 का पैरा 2) Reviewing Authority (Refer Para 2 of Part-5)	पुनर्विलोकन प्राधिकारी के आक्षेप Initial of Reviewing Authority
i) नियमावली/नियम/प्रक्रियाएँ एवं उनके सही प्रयोग की जानकारी Knowledge of Rules/ Regulations/ Procedures in the area of function and ability to apply them correctly.	9.0	9.0	
ii) नीतिबद्ध योजना बनाने की क्षमता Strategic planning ability	8.8	8.8	
iii) निर्णय लेने की क्षमता Decision making ability	8.8	8.8	
iv) समन्वय क्षमता Coordination ability	8.8	8.8	
v) अधीनस्थ को प्रेरित एवं विकसित करने की क्षमता Ability to motivate and develop subordinates	8.8	8.8	
vi) पहल शक्ति Initiative	8.8	8.8	
Overall Grading on 'Functional Competency'	8.8	8.8	



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भाग - 4
PART-4सामान्य
GENERAL

1. जनता के साथ व्यवहार (जहाँ भी प्रयोज्य)

Relations with the public (wherever applicable)

(जनता के सम्बन्धों का आकलन जहाँ आवश्यक हो जहाँ भी प्रयोज्य हो।)

(Please give remarks on the Officer's responsiveness to the public and responsiveness to their needs.)

Very Good

2. प्रशिक्षण

Training

(कृपया अधिकारी की प्रशिक्षण की आवश्यकताओं में और अधिक कुशल और दक्षता की दृष्टि से उन्हें प्रशिक्षण में भी विचार दें।)

(Please give recommendations for training with a view to further improving the effectiveness and capabilities of the Officer.)

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16. The overall grading of the petitioner was '8.9' which we are informed falls within the bracket of 'very good'. The pen picture recorded by the Reporting Officer also states that the petitioner is a very good officer and that her integrity is beyond doubt.

17. The Reviewing Officer agrees with the assessment of the Reporting Officer and again recorded a pen picture of the petitioner being a very good officer, assigning an overall numerical grading of '8.9' to the petitioner. Additionally, as recorded in the Impugned Order, her APARs for the four years preceding 2015-16 reflect gradings consistently between '8.9' and '9'.

18. These APARs cannot be reconciled with the report dated 15.02.2016, which formed the basis of the Screening Committee to order the compulsory retirement of the petitioner.

19. Though the Screening Committee states that it has examined the



APARs of the petitioner, it is undisputed that the petitioner has consistently been graded as ‘very good’ or as an ‘excellent’ officer. There is no explanation by the Screening Committee in its minutes as to why these APARs, though considered, were not accorded due weightage.

20. The Screening Committee has further placed reliance on the punishment imposed upon the petitioner *vide* order dated 06.02.2002. Apart from the fact that the said penalty was imposed almost fourteen years prior to the decision to compulsorily retire the petitioner, despite taking note of the fact that the petitioner was subsequently exonerated and the penalty order was withdrawn *vide* order dated 20.12.2002, the said penalty still weighed with the Screening Committee in ordering compulsory retirement of the petitioner stating that she, as if, was a habitual offender. The said observation and finding of the Screening Committee cannot be sustained in law.

21. As far as the allegation concerning the petitioner’s failure to enroll for biometric attendance or her being issued certain warnings in this regard, it must be noted that the proceedings of compulsory retirement are not departmental proceedings instituted for the purpose of imposing punishment upon the petitioner. If the petitioner, in any manner, was remiss in her duties to either enroll for biometric attendance or involved in her personal file being not traceable, departmental proceedings should have been initiated against the petitioner, thereby affording her an opportunity to defend herself, rather than taking this extreme action, while ignoring the thirty four years of unblemished service that the petitioner had rendered.



22. We may again note that the integrity of the petitioner has been consistently reported to be beyond doubt throughout her career as claimed by the petitioner.

23. Though certain adverse comments were also made regarding the petitioner remaining absent from duty, or not reporting to office on time or not attending meetings, recourse to departmental action was what was required to be taken against the petitioner for the same. In any case, these allegations are not consistent with the APARs of the petitioner for the relevant period.

24. Given the aforesaid factors, we are unable to sustain the Impugned Order passed by the learned Tribunal, as also the orders dated 21.06.2016 and 14.03.2017 passed by the respondents, compulsorily retiring the petitioner and rejecting her representation there against.

25. The petitioner shall be deemed to have been reinstated in service with effect from the date of her compulsory retirement, with all consequential benefits.

26. Though the learned counsel for the petitioner submits that she should also be considered for promotion to a higher post, however, given the facts and circumstances of the case, we are not inclined to accede to this prayer of the petitioner, inasmuch as the petitioner would not have actually worked in the promotional post even if the same is notionally granted to her, as she has otherwise also crossed the age of superannuation. Her retiral benefits shall accordingly be reworked by the respondent based on consequential relief that we have granted hereinabove.



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27. The petition is allowed in aforesaid terms. There is no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 21, 2025/ys/Av/ik