

Compulsory retirement - Is not a punishment and it does not imply any stigma - Such an order is required to be passed by the State on forming an opinion that it was not in public interest to retain a Government servant in service beyond the age of 50/55 years and it was necessary to retire him compulsorily - The order is based on the subjective satisfaction of the authorities of the State. It has been clarified that the principles of natural justice have no place in the context of order of compulsory retirement - The order can be challenged if it is mala fide and is based on no evidence or has been passed arbitrarily in the sense that no reasonable person would take the view which have been taken by the authority - The entire record of service can be considered by the authorities. [Para 6]

Held,

The arguments based on the instructions dated 14.3.2006(P-2) would not require any detailed consideration because the instructions make it clear that it is only minor punishment of 'censure' and 'warning' which may not constitute the basis for order of compulsory retirement of Government employee. The other punishment which might be minor in nature and might have emanated after holding of the regular departmental enquiry would not be excluded from the scope of relevant material for deciding the retention of an employee at the age of 50/55 years. Such punishment like infliction of minor penalty of stoppage of increment without cumulative effect would be relevant consideration keeping in view the back ground in which the departmental enquiry was instituted and lenient view taken by the authorities. Therefore, we do not find any merit in the contention that the instructions dated 14.3.2006 (P-2) would apply only if the ACR of entry of doubtful integrity has been recorded against an employee and that in case of minor punishment, the order of premature retirement cannot be passed. There is no substance in that argument and the same is hereby rejected.

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