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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of decision: 17.09.2025*

+ **W.P.(C) 8211/2021**  
**PRAMOD VASHISHT**

.....Petitioner

Through: Mr. Shivanshu Bhardwaj  
(appeared through V/C) and  
Mr. Archit Mudgal, Advs.

versus

**NORTH DELHI MUNICIPAL CORPORATION**

.....Respondent

Through: Mr. Tushar Sannu, SC, Mr.  
Parvin Bansal, Adv. for MCD  
with Devesh Kumar Jha,  
Section Officer, Mr. Sanjay  
Kumar, ASO, Mr. Arun Kumar,  
SSA.

**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 15.06.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1649/2020, titled *Parmod Vashisht v. North Delhi Municipal Corporation*, whereby the O.A. filed by the petitioner herein was dismissed.

2. The limited facts relevant for the purposes for the present petition are that the petitioner had filed the above O.A challenging the



Order dated 31.10.2019 passed by the respondent-Corporation, retiring the petitioner from service by invoking the power under FR 56(j) and Rule 48 of the CCS (Pension) Rules, 1972. The review against the same was also dismissed *vide* Order dated 17.02.2020. Aggrieved thereby, the petitioner filed the above OA.

3. The learned counsel for the petitioner submits that the Screening Committee failed to appreciate and take into account the entire service record of the petitioner while passing the Impugned Order compulsorily retiring the petitioner from service.

4. He submits that though penalty had been imposed on the petitioner, the last of such penalty was *vide* office order dated 11.06.2007, of stoppage of one increment without future effect. At the same time, the proforma for the evaluation of the petitioner also noted that for the year 2014-15 and 2015-16, his ACR grading was “Very Good”; and for 2016-17, 2017-18, and 2018-19, it was “Outstanding”. The ACRs also recorded that the integrity of the petitioner was beyond doubt.

5. He further submits that the petitioner had also been granted promotion to the post of Assistant Engineer in the year 2009, that is, post the imposition of the penalty. The petitioner had also been granted two financial upgradations, in the year 2013 and 2018, subsequent to the imposition of the penalty.

6. Placing reliance on the Judgment of a Coordinate Bench of this Court in *Ajay Kumar Sharma vs The Commissioner, South Delhi Municipal Corporation & Anr.*, 2025:DHC:4466-DB, he submits that therefore, the Screening Committee has not taken into account all the



relevant considerations for arriving at its decision to compulsorily retire the petitioner.

7. On the other hand, the learned counsel for the respondent submits that the Review Committee had considered the entire service record of the petitioner, and found that on fourteen occasions, he had been charge-sheeted, which fact alone was sufficient to hold that the petitioner has doubtful integrity and does not deserve to be posted on public post in the larger public interest.

8. Placing reliance on the Judgments of the Supreme Court in *Baikuntha Nath Dass & Anr. v. Chief District Medical Officer, Badipada & Anr.*, (1992) 2 SCC 299; *Pyare Mohan Lal v. State of Jharkhand & Ors.*, (2010) 10 SCC 693, and *Punjab State Power Corporation Ltd. & Ors. v. Hari Kishan Verma*, (2015) 13 SCC 156, he submits that the power to compulsorily retire a government servant in terms of the Service Rules is absolute, provided the concerned Authority forms a *bona fide* opinion of the same in public interest.

9. He submits that mere grant of a promotion to the petitioner cannot be a ground to set aside the decision of the concerned Authority of the respondent to compulsorily retire such government servant, specially where such government servant has been visited with a major penalty on an earlier occasion.

10. He submits that in the present case, the decision to compulsorily retire the petitioner was justified considering the major penalty imposed upon him in the year 2006. He submits that the opinion formed by the concerned Authority of the respondent cannot be interfered with by this Court.



11. We have considered the submissions made by the learned counsels for the parties. A Coordinate Bench of this Court in *Ajay Kumar* (*supra*), has culled out the principles governing FR 56(j) 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 matters of compulsory retirement, is fairly limited.*

*(ii) Compulsory retirement involves no penal consequences.*

*(iii) At the same time, if unlimited discretion is 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 unreasonableness, arbitrariness and disguised dismissal.*

*(iv) The exercise of power to compulsorily 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.*

*(viii) The object 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.”*

12. As held by the Coordinate Bench of this Court in **Ajay Kumar Sharma** (supra), before passing an order of compulsory retirement, the entire service record of the officer has to be taken into consideration, including the gradings in the ACRs which are relevant.

13. The performance of the officer in the later years is of greater relevance than reliance on old and historical punishments. Once the ACRs continuously record the integrity of the officer as “Beyond Doubt” and grade him as “Outstanding” or “Very Good”, the order of compulsory retirement, if based on events that occurred much prior to the decision, may stand vitiated. The grant of promotion to an officer despite adverse entries in his confidential record, is also a significant factor that must be taken into account.

14. As far as the submission of the learned counsel for the respondent that the Reviewing authority had taken into account the



