2026 INSC 1205

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. OF 2026
(Arising out of SLP(C) No. 24392 OF 2023)

CHATUR SINGH DHRUW ….. APPELLANT

VERSUS

THE STATE OF CHHATTISGARH & ORS. ….RESPONDENTS

WITH

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No.25201 OF 2023)

J U D G M E N T

MANMOHAN, J.

1. Leave granted.

2. The present Civil Appeals arise from the judgments and orders dated 12th April 2023 passed by the Division Bench of the High Court of Chhattisgarh at Bilaspur in Writ Appeal Nos. 565 and 577 of 2019, whereby the Division Bench affirmed the judgments and orders dated 23rd August 2019 rendered by the learned Single Judge in Writ Petition Nos. 5765 and 5680 of 2017. By the said judgments, the learned Single Judge declined to interfere with the orders dated 09th October 2017 passed by Respondent No.3, whereby the Appellants were compulsorily retired from service.

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Reason:

BRIEF FACTS

3. The facts giving rise to the present Appeals, shorn of unnecessary details, are that the Appellants were initially appointed as Peons (Class-IV) in the Legal Metrology Department (Weights and Measures Department), Raipur, in the years 1989 and 1993 respectively. In due course, they were promoted to the post of Assistant Grade-III in the years 2012 and 2013. Thereafter, their services came to be regularized by separate orders both dated 19th June 2015.

4. On 25th April 2017 the General Administration Department, Government of Chhattisgarh, issued a Circular addressed to all Departments of the State Government directing them to undertake a review of service records and to consider the case of such Government servants that fulfilled the parameters prescribed for compulsory retirement. The relevant extract of the said Circular is reproduced below:

> *"Through the aforesaid referred Circular issued by the General Administration Department in undivided Madhya Pradesh, detailed guidelines have been issued regarding review of service records of such government servants who have completed 50 years of age or 20 years of service. Under the Fundamental Rule 56 provided in the sub-Clause 1 of the Clause 1 of the said circular, the provisions relating to retirement age of every government servant other than government teachers and Grade-4 Government servant and upon completing qualifying service or 50 years of age as provided under Rule 42B of the Chhattisgarh Civil Service Pension Rules, 1976 in sub-clause 2, the provisions relating to retiring the government servant at any time have been laid down. In Clause 2 of the circular, the criteria and procedure have been prescribed for considering mandatory retirement of government servants who have completed 20 years of qualifying service or 50 years of age under the above provisions.*
>
> 2. *The State Government after scrutiny of Clause 2 of the above circular dated 22.8.2000 which has been adapted in the State of Chhattisgarh, while making partial amendments in the criteria and procedure prescribed for compulsory retirement lays down following guidelines:-*

[1] Criteria prescribed for compulsory retirement upon scrutiny.

While making scrutiny under rule 56 of Fundamental Rule 56 and Rule 42 of the Chhattisgarh Civil Services (Pension) Rules 1976 in respect of government servants who have completed 20 years of qualifying service or 50 years of age, it may be seen as follows:

A. Honesty and integrity being suspicious (for this the entire record of the concerned government servant should be perused)

B. Lacking in physical capacity.

C. The evaluation of reputation and work capacity should be done on the basis of the complete records of the service period of the concerned government servant. For this purpose, it shall not be necessary that every adverse remark or such remark as may be termed as an adverse remark should have been communicated to the Government servant. (Civil Appeal No.6307 of 1994, State of Uttar Pradesh and Anr.. v. Bihari Lal, (1994) Supp. 3 SCC 593).

D. The overall evaluation of the records for the entire service period be less than 'Good' (B) grade. On the basis of evaluation, it should also be seen whether the work of the last 5 years of the government servant is not decreasing."

5. Pursuant to the Circular dated 25th April 2017, separate orders dated 09th October 2017 came to be issued whereby the Appellants were compulsorily retired from service.

ARGUMENTS ON BEHALF OF THE APPELLANTS

6. Mr. Kaustubh Shukla, learned counsel appearing on behalf of the Appellants, submitted that the criteria and parameters adopted while recommending the cases of the Appellants for compulsory retirement were not uniformly applied to other similarly situated employees. According to the learned counsel, the exercise undertaken by the Respondents was arbitrary and discriminatory, inasmuch as several employees similarly placed as the Appellants were not subjected to the same treatment. In support of this submission, reliance was placed upon the order

dated 09th October 2025 passed by this Court, whereby the Respondents were directed to place on record an affidavit to be personally affirmed by the Principal Secretary of the concerned Department, specifically stating that no person similarly situated to the Appellants had been '*left out from the exercise of weeding out dead wood from the cadre of the petitioners and being compulsorily retired*'.

7. He contended that the orders impugned herein, though couched as orders of compulsory retirement, were in substance punitive and stigmatic in nature. Elaborating this submission, he invited the Court's attention to the findings recorded in the inquiry reports pertaining to the Appellants and urged that the said findings unequivocally attributed misconduct and adverse personal characteristics to them. It was, therefore, submitted that the orders of compulsory retirement were founded upon allegations carrying a stigma and could not have been passed without affording the Appellants the procedural safeguards attendant upon disciplinary proceedings. In support of the aforesaid contention, reliance was placed on the following extracts from the inquiry reports relating to the two Appellants (together with their translated versions):-

> *"(3) **श्री मनहरण लाल साहू, सहायक वर्ग-03** :- श्री मनहरण लाल साहू सहायक वर्ग-03 के सेवाकाल में उपलब्ध गोपनीय चरित्रावली के मूल्यांकन पर उन्हें "ख" से नीचे (2.56 अंक) प्राप्त होना पाया गया है। (परिशिष्ट क्रमांक 05) उनके गोपनीय प्रतिवेदन में भी इनके कार्य को असंतोषजनक पाया गया हैं। वे लिपिक कार्य कर नहीं पाते हैं । उनकी ख्याति एवं कार्यक्षमता पर प्रतिकूल टीपं दी गई है और इनका कार्य स्तर लगातार घट रहा है। परिशिष्ट क्रमांक 07 (01-14) में संलग्न है।*
>
> ...
>
> *(5) **श्री चतुर सिंह ध्रुव सहायक वर्ग-03** :- श्री चतुर सिंह ध्रुव सहायक वर्ग-03 के सेवाकाल में उपलब्ध गोपनीय प्रतिवेदन के मूल्यांकन हेतु शासन द्वारा निर्धारित मापदण्ड दे बिन्दु क्रमांक (4) के (द) (1) में विचार क्षेत्र हेतु विगत 05 वर्षों के (2013 से 2017 तर्क) गोपनीय प्रतिवेदन के अवलोकन एवं समीक्षा करने पर पाया गया है कि उन्हें वर्ष 2013 म "क" श्रेणी*

प्राप्त है एवं वर्ष 2014 से 2017 तक लगातार "ग" श्रेणी टीप अंकित की गई है। इससे स्पष्ट होता है कि उनके द्वारा ईमानदारी, तथा संनिष्ठापूर्वक शासकीय कार्य संपादित नहीं किया जा रहा है और उनके कार्यों में अपेक्षेत सुधार परिलक्षित न होकर कार्य स्तर लगातार घट रहा है । परिशिष्ट क्रमांक 05 (स.क्र. 14) में अंकित संलग्न है"

*"**(3) Shri Manharan Lal Sahu, Assistant Grade-III:** On evaluation of the confidential character rolls available for the service period of Shri Manharan Lal Sahu, Assistant Grade-III, he has been found to have secured below "Kha" (B) grade (2.56 marks) (Annexure No. 05). His confidential reports also record his work as unsatisfactory. He is unable to perform clerical work. Adverse remarks have been recorded regarding his reputation and efficiency, and the standard of his work has been continuously declining. The same is annexed as Annexure No. 07 (01-14).*

...

***(5) Shri Chatur Singh Dhruv, Assistant Grade-III:** For the evaluation of the confidential reports available for the service period of Shri Chatur Singh Dhruv, Assistant Grade-III, in accordance with Point No. (4)(D)(1) of the criteria prescribed by the Government, the confidential reports of the preceding five years (2013 to 2017) falling within the zone of consideration were examined and reviewed. It was found that he was graded "Ka" (A) in the year 2013, and from 2014 to 2017 he was consistently graded "Ga" (C). This makes it evident that he is not discharging his official duties with honesty and integrity, and that, rather than showing the expected improvement, the standard of his work has been continuously declining. The same is recorded at Annexure No. 05 (Serial No. 14) and annexed herewith."*

8. Mr. Shukla further submitted that recourse to compulsory retirement could not have been taken as a substitute for or as a means to circumvent the disciplinary process. According to him, where the employer was of the view that the conduct of an employee warranted scrutiny, the appropriate course would have been to institute departmental proceedings in accordance with law rather than to invoke the power of compulsory retirement.

9. He also contended that the decision to compulsorily retire the Appellants was taken without a comprehensive evaluation of their entire service records. It was urged that while considering whether an employee should be compulsorily retired, the competent authority is required to examine the employee's service career in its entirety commencing from the date of initial appointment. The authorities,

however, confined their consideration primarily to the service records of the immediately preceding years and failed to undertake a holistic assessment of the Appellants' overall service profile.

10. Mr. Shukla stated that the adverse entries and below-benchmark gradings recorded in the Annual Confidential Reports of the Appellants had never been communicated to them. In such circumstances, it was contended that the said entries and gradings could not legitimately form the basis of an order of compulsory retirement. In support of this submission, reliance was placed upon the decisions of this Court in ***Dev Dutt vs. Union of India & Ors., (2008) 8 SCC 725*** and ***Sukhdev Singh vs. Union of India & Ors., (2013) 9 SCC 566***. The relevant extracts from the aforesaid judgments are reproduced hereunder:-

A. ***Dev Dutt vs. Union of India & Ors.***

> *" 17. In our opinion, every entry in the ACR of a public servant must be communicated to him within a reasonable period, whether it is a poor, fair, average, good or very good entry. This is because non-communication of such an entry may adversely affect the employee in two ways: (1) had the entry been communicated to him he would know about the assessment of his work and conduct by his superiors, which would enable him to improve his work in future; (2) he would have an opportunity of making a representation against the entry if he feels it is unjustified, and pray for its upgradation. Hence, non-communication of an entry is arbitrary, and it has been held by the Constitution Bench decision of this Court in Maneka Gandhi v. Union of India [(1978) 1 SCC 248 : AIR 1978 SC 597] that arbitrariness violates Article 14 of the Constitution."*

B. ***Sukhdev Singh vs. Union of India & Ors.***

> *"8. In our opinion, the view taken in Dev Dutt [Dev Dutt v. Union of India, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771] that every entry in ACR of a public servant must be communicated to him/her within a reasonable period is legally sound and helps in achieving threefold objectives. First, the communication of every entry in the ACR to a public servant helps him/her to work harder and achieve more that helps him in improving his work and give better results. Second and equally important, on being made aware of the entry in the ACR, the public servant may feel dissatisfied with the same. Communication of the entry enables*

him/her to make representation for upgradation of the remarks entered in the ACR. Third, communication of every entry in the ACR brings transparency in recording the remarks relating to a public servant and the system becomes more conforming to the principles of natural justice. We, accordingly, hold that every entry in ACR—poor, fair, average, good or very good—must be communicated to him/her within a reasonable period."

11. He lastly submitted that in view of the Appellants having been promoted and their services thereafter regularized on 19th June 2015, any adverse entries or below-benchmark gradings recorded prior thereto lost their significance and could not legitimately be relied upon for the purpose of forming an opinion regarding their compulsory retirement. In support of the aforesaid submission, learned counsel placed reliance upon the decision of this Court in ***Baikuntha Nath Das & Anr. vs. Chief District Medical Officer, Baripada & Anr., (1992) 2 SCC 299***, wherein it was held as under:-

"34. The following principles emerge from the above discussion:

xxx *xxx* *xxx*

(iv) The government (or the Review Committee, as the case may be) shall have to consider the entire record of service before taking a decision in the matter — of course attaching more importance to record of and performance during the later years. The record to be so considered would naturally include the entries in the confidential records/character rolls, both favourable and adverse. If a government servant is promoted to a higher post notwithstanding the adverse remarks, such remarks lose their sting, more so, if the promotion is based upon merit (selection) and not upon seniority.

ARGUMENTS ON BEHALF OF THE RESPONDENTS

12. *Per contra*, Mr. Rajat Nair, learned Additional Advocate General appearing on behalf of the Respondent-State of Chhattisgarh submitted that the exercise of scrutiny and review of the service records leading to the compulsory retirement of the Appellants was undertaken strictly in accordance with Circular No.F.7-

1/2017/1-3 dated 25th April 2017 issued by the General Administration Department, Government of Chhattisgarh, which had been issued in continuation of the earlier Circular No.C-24/2000/3/1 dated 22nd August 2000 governing the policy relating to compulsory retirement of Government servants.

13. Learned Additional Advocate General further submitted that pursuant to the aforesaid Circular dated 25th April 2017, a Screening Committee at the Head of Department level was constituted for undertaking the review of cases of non-gazetted employees in the Legal Metrology Department for the purpose of compulsory retirement. The Committee met on 4th September 2017 in the office of the Controller, Legal Metrology, Naya Raipur and comprised Dr. Ajay Kumar Pathak, Controller, Legal Metrology, Chhattisgarh, as Chairman, Manoj Kumar Soni, Special Secretary, Food, Civil Supplies and Consumer Protection Department, as Member and James Tirkey, Deputy Controller, Legal Metrology, Chhattisgarh, as Member.

14. He pointed out that the aforesaid Committee was entrusted with the responsibility of examining the complete service records, confidential reports, integrity profile, physical fitness and overall suitability for continued service of all clerical-cadre employees who had either attained the age of 50 (fifty) years or completed 20 (twenty) years of qualifying service as on 01st July 2017.

15. Learned Additional Advocate General further emphasised that in accordance with the mandate of the General Administration Department Circular dated 25th April 2017, the Screening Committee initially identified all clerical-cadre

employees of the Legal Metrology Department who had either attained the age of 50 (fifty) years or completed 20 (twenty) years of qualifying service as on 01st July 2017 and consequently, fell within the zone of consideration for review.

16. He submitted that upon examination of the records maintained in the Controlling Office, a total of 14 (fourteen) clerical staff members were found to satisfy the prescribed criteria and thereby fell within the zone of consideration. It was contended that the Committee thereafter undertook a comprehensive scrutiny of the service dossiers, confidential character rolls, personal files, integrity records, as well as leave and medical records of all the fourteen employees, without excluding any employee who fulfilled the criteria prescribed under the Circular.

17. Learned Additional Advocate General further submitted that the parameters adopted by the Screening Committee, as recorded in the Minutes of Meeting (hereinafter referred to as the '*MOM*') dated 4th September 2017 were as follows:-

(a) Honesty and Integrity: Assessment of the employee's integrity profile on the basis of the entire service record, including adverse entries, pending complaints and remarks bearing upon the employee's character and conduct.

(b) Physical Capacity: Evaluation of the employee's physical fitness and medical record to ascertain whether any physical limitation existed which could affect the employee's continued efficiency in service.

(c) Efficiency and General Reputation: Consideration of the employee's overall performance, including punctuality, work output, discipline and such other

factors as may have a bearing on the employee's suitability for public service and general reputation.

(d) Overall Assessment of the Entire Service Record: A cumulative evaluation of the employee's entire service career. As recorded in the MoM, where the employee's overall performance was assessed to be below Grade 'B', such employee was regarded as not meeting the requisite standard for further retention in service.

(e) Assessment of Decline in Performance through Confidential Reports: For the purpose of determining whether there existed a declining trend in performance, the Committee undertook a specific scrutiny of the Confidential Character Rolls for the period 2013-2017, with particular emphasis on repeated '*C*' gradings or a discernible downward trajectory in the employee's performance.

(f) Numerical Assessment of Confidential Report Gradings: In order to ensure uniformity and objectivity in evaluation, the gradings recorded in the Confidential Reports were assigned numerical values in accordance with the following scale:

A+	5
A	4
B	3
C	2
D	1

Thereafter, the aggregate score obtained by an employee was divided by the number of years for which Confidential Reports were available so as to arrive at the employee's average performance score.

(g) Treatment of Missing Confidential Report Years: Where Confidential Reports pertaining to certain years were not available, the Committee evaluated the entries contained in the available Confidential Reports and determined the average grading solely on the basis of such extant records. The non-availability of Confidential Reports for any preceding or subsequent period was not construed to the detriment of the employee, nor was any adverse inference drawn on that account.

18. Mr. Nair submitted that upon the uniform application of the aforesaid parameters to all 14 (fourteen) employees under consideration, 5 (five) employees were found not to have satisfied the prescribed minimum standards. According to him, these employees fell below the benchmark grade of '*B*' in the assessment of their overall service records and also exhibited adverse or declining performance trends in their Confidential Reports pertaining to the period from 2013 to 2017. It was contended that in view of such assessment, the Committee recommended their compulsory retirement in exercise of the powers conferred under Fundamental Rule 56 and Rule 42 of the Chhattisgarh Civil Services (Pension) Rules, 1976.

19. In order to substantiate the contention that the numerical grading methodology was applied uniformly and without discrimination, learned counsel invited our attention to the chart reproduced below. The chart presents, in a

consolidated tabular form, the Confidential Report gradings of all 14 (fourteen) employees for the years 2013 to 2017, converted into a uniform numerical scale, namely, A+ = 5, A = 4, B = 3, C = 2 and D = 1. This according to him, demonstrates the objective on which the comparative assessment was undertaken by the Committee.

S.No.	Name	2013	2014	2015	2016	2017	Average
1.	Smt. Shivkumari Sainik	2	2	3	3	3	2.6
2.	Smt. Ruby Nigam	4	4	4	4	4	4
3.	Shri Shivbhan Singh	3	3	2	2	3	2.6
4.	Shri Ishwar Prasad Sahu	2	2	2	2	2	2
5.	Shri Rajendra Lal Jangde	3	3	2	3	3	2.8
6.	Shri Ramlal Sarute	3	3	3	2	2	2.4
7.	Shri Samaruram Porte	3	3	3	2	2	2.6
8.	Smt. Sangeeta Nayak	4	3	3	3	3	3.2
9.	**Shri Manharan Lal Sahu**	**2**	**2**	**2**	**2**	**2**	**2**
10.	Shri Babu Singh Kanwar	3	3	2	4	3	3
11.	Shri Chitram Dhruve	2	2	2	2	2	2
12.	Smt.Rita Bhattacharya	4	4	3	4	3	3.6
13.	Smt. Prembai Darendra	4	3	4	3	3	3.4
14.	**Shri Chatur Singh Dhruv**	**4**	**2**	**2**	**2**	**2**	**2.4**

20. It was, therefore, submitted that on the basis of the aforesaid evaluation and upon a holistic consideration of their service records, the following employees were

found unsuitable for continued retention in public service and they were recommended for compulsory retirement in public interest :-

S. No.	Name	Designation
1.	Shri Ramlal Sarute	Assistant Class-01
2.	Shri Ishwar Prasad Sahu	Assistant Class-01
3.	Shri Manharan Lal Sahu	Assistant Class-03
4.	Shri Chitram Dhruve	Assistant Class-03
5.	Shri Chatur Singh Dhruv	Assistant Class-03

21. Learned Additional Advocate General submitted that upon an examination of the service record of the Appellant, Manharan Lal Sahu, the Committee found that his overall service-profile assessment fell below the benchmark corresponding to Grade '*B*'. It was noted that his Confidential Reports for the period 2013-2017 reflected consistently substandard performance, marked by repeated gradings of '*C*' and adverse remarks indicating unsatisfactory discharge of duties. According to learned counsel, the application of the uniform numerical-scoring methodology placed the Appellant below the prescribed threshold for continuance in service. The Committee also took into consideration the Integrity Certificate furnished by the Controlling Office, wherein the integrity of Manharan Lal Sahu was recorded as '*questionable*'. It was contended that the cumulative effect of these factors, namely, sustained proof performance, concerns relating to efficiency and reputation, an adverse assessment of integrity and an overall grading below the prescribed benchmark, led the Committee to conclude that Manharan Lal Sahu did

not satisfy the standards required for retention in service beyond the age of 50 (fifty) years and was, therefore, liable to be considered for compulsory retirement in accordance with the applicable rules.

22. He further submitted that in the case of Chatur Singh Dhruv, the Committee observed that he had secured a grading of '*A*' only in the year 2013 and had thereafter been consistently graded '*C*' from 2014 to 2017, thereby disclosing a sustained deterioration in performance during the relevant period under consideration. The Committee further noted that his Confidential Reports contained remarks reflecting unsatisfactory work, lack of the expected improvement and a decline in efficiency. According to Mr. Nair, the cumulative assessment of the service records of Chatur Singh Dhruv, undertaken on the basis of the Uniform numerical-scoring methodology adopted by the committee, yielded an overall grading below the benchmark equivalent to Grade '*B*'. Consequently, the Committee formed the opinion that he had failed to attain the minimum standards prescribed for continued retention in public service and was, therefore, unsuitable for further retention in service.

REASONING

SCOPE OF JUDICIAL REVIEW IN MATTERS OF COMPULSORY RETIREMENT

23. In order to determine the controversy arising in the present appeals, it is necessary, at the outset, to delineate the scope and contours of judicial review in matters concerning compulsory retirement.

24. It is now trite law that an order of compulsory retirement is neither punitive nor stigmatic in character. Such an order does not cast any aspersion upon the conduct of the employee nor does it imply any finding of misconduct[1]. Consequently, the rule of *audi alteram partem,* as well as the protection afforded under Article 311(2) of the Constitution, have no application to an order of compulsory retirement made in accordance with the relevant service rules.

25. The decision to compulsorily retire a Government servant is founded upon the subjective satisfaction of the competent authority that the employee's continued retention in service is no longer conducive to public interest. The ultimate assessment as to whether an officer has become '*dead wood*' or whether his continuance would be detrimental to administrative efficiency falls within the domain of the executive. However, such satisfaction cannot be found upon mere conjecture or whim. It must rest upon objective and relevant material available on record. This Court in ***Nand Kumar Verma vs. State of Jharkhand & Ors., (2012) 3 SCC 580*** has held that '*It is also well settled that the formation of opinion for compulsory retirement is based on the subjective satisfaction of the concerned authority but such satisfaction must be based on a valid material. It is permissible for the Courts to ascertain whether a valid material exists or otherwise, on which the subjective satisfaction of the administrative authority is based*'.

[1] *Baikuntha Nath Das & Anr. vs. Chief District Medical Officer, Baripada & Anr., (1992) 2 SCC 299.*

26. Further, where the Government itself prescribes norms or criteria governing the exercise of the power, judicial review extends only to examining whether such norms or criteria have been duly observed[2].

27. It follows, therefore, that an order of compulsory retirement must be supported by relevant material such as Annual Confidential Reports, integrity assessments, performance evaluations and other service-record entries bearing upon the employee's utility and suitability for continued retention. Judicial review in such cases does not entail a re-appreciation or re-weighing of the material by the Court as though it were sitting in appeal over the administrative decision. The Court is concerned only with whether relevant material existed, whether such material was taken into consideration by the competent authority, and whether the conclusion drawn therefrom is one which a reasonable person could have arrived at. So long as these requirements are satisfied, the Court will not substitute its view for that of the authority entrusted with the decision-making process.

THE POWER OF COMPULSORY RETIREMENT IS WIDE AND NON-RETIREMENT OF A SIMILARLY SITUATED EMPLOYEE DOES NOT, BY ITSELF, FURNISH A VALID GROUND OF CHALLENGE

28. Equally well settled is the principle that judicial interference with an order of compulsory retirement is warranted only where the decision is shown to be based

[2] In *Amarjit Singh Ahluwalia (Dr) vs. State of Punjab & Ors. (1975) 3 SCC 503* and *Ramana Dayaram Shetty vs. International Airport Authority of India & Ors. (1979) 3 SCC 489*, it has been held that Government is bound to follow rules and standards they themselves had set on pain of their action being invalidated.

on no evidence, suffers from non-application of mind, is manifestly arbitrary or perverse or is vitiated by *mala fides*[3].

29. An employee cannot successfully assail an order of compulsory retirement merely by contending that another officer possessing a comparable service records was not subjected to similar action. The evaluation of an employee's utility, integrity, efficiency and overall service profile is essentially an individualized exercise undertaken by the competent authority on the basis of the materials pertaining to that particular employee. The fact that action was taken against one employee while another similarly situated employee was left untouched does not, by itself, render the action unconstitutional or discriminatory. The doctrine of equality enshrined in Article 14 of the Constitution embodies a positive concept and does not countenance the claim of negative equality. This Court has consistently held that an illegality or omission committed in favour of one person cannot furnish a valid basis for extending the same benefits to another. If a wrong has been committed in an earlier case, it cannot be relied upon to perpetuate a similar wrong in subsequent cases[4].

30. Consequently, the power to compulsorily retire a Government servant under the applicable service rules is of wide amplitude and is conditional principally by the requirement that the authority must form its opinion *bona fide* and upon relevant

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[3] *Rajasthan State Road Transport Corporation, (2013) 10 SCC 551* and *Posts and Telegraphs Board vs. L.S.N. Murthy, (1992) 2 SCC 317.*

[4] *Union of India vs. M.K. Sarkar, (2010) 2 SCC 59* and *Basawaraj and Anr. vs. Special Land Acquisition Officer, (2013) 14 SCC 81.*

material. The mere fact that another officer, who may appear similarly placed, was not compulsorily retired cannot, by itself, constitute a valid defence to an otherwise lawful order of compulsory retirement.

IN ANY EVENT PARAMETERS UNIFORMLY APPLIED

31. Having examined the materials placed on record, this Court finds that the Circular dated 25th April 2017 prescribes a comprehensive mechanism for reviewing the cases of Government servants who have either attained the age of 50 (fifty) years or completed 20 (twenty) years of qualifying service. The object of the Circular is to identify those employees whose continued retention in service would not subserve public interest. The Circular mandates that such review shall be undertaken on the basis of uniform and objective criteria, including honesty and integrity, physical capacity, reputation, efficiency and the overall service record of the employee, particularly the pattern and gradings reflected in the Annual Confidential Reports.

32. This Court further finds that a Screening Committee was constituted in accordance with the aforesaid Circular, with due representation from both the Administrative Department and the Controlling Authority. The Committee adopted a uniform, objective and transparent methodology for assessing the suitability of all 14 (fourteen) employees for continued retention in service upon attaining the age of 50 (fifty) years.

33. Upon completion of the assessment process, the Screening Committee concluded that 5 (five) employees belonging to the clerical cadre did not satisfy the

minimum standards prescribed under the Circular dated 25th April 2017. Insofar as the Appellants are concerned, their overall service-record assessment was found to be below the benchmark equivalent to Grade '*B*', while their Confidential Reports for the period 2013-2017 disclosed a pattern of consistently low performance, declining efficiency or other indicators adverse to their continued retention in service, as duly recorded in the proceedings of the Committee.

34. A perusal of the year-wise tabulation of the gradings assigned to all 14 (fourteen) employees, as reflected in the affidavit filed by the Principal Secretary, Department of Respondent No.1-State of Chhattisgarh, read together with the Minutes of the Screening Committee, demonstrates that none of the 9 (nine) employees who were retained in service exhibited the combination of adverse factors found in the cases of the Appellants, namely, (i) an overall service-record assessment falling below the benchmark of Grade '*B*' (ii) sustained gradings of '*C*' during the period from 2013 to 2017 without any discernible improvement and (iii) adverse remarks pertaining to efficiency and performance. Significantly, the Committee, applying the same standards and methodology, recommended compulsory retirement not only of the Appellants but also of 3 (three) other employees similarly found to have fallen below the prescribed benchmark.

35. In the considered opinion of this Court, the recommendations made by the Screening Committee were founded upon an objective evaluation of the utility, efficiency and suitability of the employees concerned, with a view to maintaining administrative standards and ensuring efficiency in public service. The exercise

was not intended to punish or penalise the Appellants. The materials on record disclose that all eligible employees, including the Appellants, were subjected to the same process of review and evaluation, without any deviation from or relaxation of or departure from the parameters prescribed under the Circular.

36. Consequently, this Court is satisfied that the parameters and standards applied while considering the cases of the Appellants for compulsory retirement were uniformly applied to all similarly situated employees and that no element of discriminatory treatment or selective application of criteria has been established.

FULL SERVICE-RECORD PROFILE OF THE APPELLANTS WAS EXAMINED

37. The records further reveal that in the case of every employee, including the Appellants, the Committee initially undertook a comprehensive evaluation of the entire service records in order to determine whether the employee satisfied the minimum benchmark equivalent to Grade '*B*', as contemplated under the Circular. Thereafter, as an ancillary and corroborative exercise, the Committee examined the Confidential Reports pertaining to the immediately preceding 5 (five) years, namely, the period from 2013 to 2017, with a view to ascertaining whether there existed any discernible pattern of declining performance, repeated low gradings or deterioration in efficiency. These Confidential Reports were not treated as the sole basis of the evaluation rather, they constituted one component of the broader assessment undertaken on the basis of the employee's complete service profile. In any event, this Court finds that the emphasis placed upon the Confidential Reports

of the preceding 5 (five) years was fully consistent with Para 'D' of the Circular dated 25th April 2017, which provides as under:-

> *"D. The **overall evaluation of the records of the entire service period** be less than "Good" B grade. On the basis of evaluation, it should **also be seen whether the work of the last 5 years of the government servant is not decreasing**."*
>
> (emphasis supplied)

38. It was only after the aforesaid parameters had been applied uniformly and comprehensively to all eligible employees that the Screening Committee identified 5 (five) employees, including the present Appellants, whose overall service-record assessment fell below the prescribed benchmark and whose recent Confidential Reports disclosed patterns indicative of unsatisfactory performance, declining efficiency or lack of utility in public service. The remaining 9 (nine) employees, having satisfied the prescribed standards, were found fit for continued retention in service.

PROMOTION DOES NOT EFFACE SUBSEQUENT ADVERSE ENTRIES

39. This Court is unable to accept the contention that the promotion of the Appellants rendered the subsequent adverse material irrelevant for the purposes of compulsory retirement. The principle that adverse entries lose their significance upon promotion of an employee to a higher post is confined to those entries which pre-date the promotion and are deemed to have been overlooked by the employer while conferring such promotion. That principle cannot be extended to obliterate or neutralise entries recorded after promotion, which relate to the employee's performance in the promoted post itself.

40. In the present case, the Appellant-Chatur Singh Dhruv, was promoted from Class-IV cadre to the post of Assistant Grade-III on 14th March 2013, whereas the Appellant-Manharan Lal Sahu, was promoted from the post of Peon to Assistant Grade-III on 03rd October 2012. It is, therefore, evident that both Appellants had already assumed the promoted post prior to the recording of the Annual Confidential Reports for the years 2013 to 2017, which constituted an important component of the materials considered by the Screening Committee while undertaking the review exercise.

41. The record further reveals that Chatur Singh Dhruv was awarded a grading of '*A*' in the year 2013 but was thereafter consistently graded '*C*' for four consecutive years. Similarly, the Annual Confidential Reports of Manharan Lal Sahu for the period 2013-2017 disclose repeated '*C*' gradings accompanied by remarks indicative of unsatisfactory performance. These entries, having been recorded after the Appellants had entered the promoted post, were directly relevant to an assessment of their efficiency, utility and suitability for continued retention in service.

42. Consequently, this Court is of the considered view that the subsequent Annual Confidential Reports of both Appellants reflected declined performance and unsatisfactory discharge of duties in the promoted post and cannot be rendered inconsequential merely by reason of their earlier promotions. On the contrary, the material on record indicates that the Appellants failed to maintain the requisite standards expected of incumbents occupying the promoted post.

43. Equally untenable is the contention founded upon the regularisation of the Appellants. Regularisation of service in a post already held by an employee does not amount to promotion based on merit or comparative assessment. It merely confers substantive status upon the employee in the existing post and cannot, by itself, be construed as an endorsement of the employee's efficiency or future suitability. This Court is, therefore, of the view that neither the promotions granted to the Appellants nor their subsequent regularisation had the effect of effacing or diminishing the relevance of the below-benchmark gradings and adverse assessments recorded thereafter.

THE IMPUGNED ORDERS ARE NEITHER PUNITIVE NOR STIGMATIC

44. A plain reading of the impugned orders dated 09th October 2017 discloses that they merely record that the Appellants having completed the requisite period of service were being retired in the public interest with the approval of the State Government in exercise of the power conferred under Fundamental Rule 56 and Rule 42(1)(b) of the Chhattisgarh Civil Services (Pension) Rules, 1976.

45. The orders do not contain any allegation of misconduct, any finding of culpability or any expression capable of casting a stigma upon the Appellants. The language employed therein is confined to the statutory basis of the action and is wholly consistent with the settled legal character of an order of compulsory retirement. Since both orders are identically worded in all material particulars, the order pertaining to one of the Appellants, namely, Chatur Singh Dhruv, is reproduced hereunder:-

"OFFICE OF CONTROLLER, LEGAL METROLOGY,
CHHATISGARH
Indrawati Bhawan, Block II, 3rd Floor, Naya Raipur
Email ID: clm.cg@nic.in

No.2141/Vi.Ma/Stha/2017

Naya Raipur, Dt. 9.10.2017

ORDER

To,

Sh. Chatur Singh Dhruv
Assistant Grade-03
Office of Inspector Legal Metrology
Mahasamund (CGS)

Since, you have completed 20 Years of service as on 08.09.2009, therefore, in exercise of powers conferred by Rule 2 (A) of Chhatisgarh Original Rule 56 and Rule 42 (1) (B) of Chhatisgarh Civil Services (Pension) Rules, 1976, therefore, in the public interest and with the approval of the State Government you are hereby retired with immediate effect from 09.10.2017 without giving you notice.

Sd/-illegible
Dy. Controller
Legal Metrology, Chhattisgarh, Naya Raipur

End. No..../Vi.Ma/Stah. 2017, Naya Raipur

Date: 09.10.2017"

46. This Court is also unable to accept the contention that the observations recorded by the Screening Committee in its internal proceedings or MoM impart a stigmatic character to the impugned orders. It is well settled that while examining the validity of an order of compulsory retirement, the Court must primarily have regard to the order itself. Internal deliberations, assessments and reasons forming part of the decision-making process are intended to assist the competent authority in arriving at its subjective satisfaction and do not, by themselves, render the consequential order punitive or stigmatic. In the present cases, the minutes merely record the Committee's evaluation of the service records, efficiency, integrity and utility of the employees concerned and cannot be construed as findings of misconduct or culpability.

THE COMMITTEE'S ASSESSMENT DID NOT INVOLVE ANY ADJUDICATION OF MISCONDUCT

47. As noted hereinabove, the review undertaken by the Screening Committee in September 2017 was a purely administrative exercise conducted in public interest in accordance with Fundamental Rule 56, Rule 42 of the Chhattisgarh Civil Services (Pension) Rules, 1976 and the Circular dated 25th April 2017. The exercise neither involved an adjudication of misconduct nor partook the character of a disciplinary proceeding. No stigma was attached to the Appellants and the recommendations were founded exclusively upon considerations of overall suitability, efficiency, integrity and service record, which are germane to determining whether a Government servant ought to be retained in public service. Significantly, no departmental inquiry was either pending or contemplated against either of the Appellants at the relevant time. The submission that the impugned action was adopted as a device to circumvent disciplinary proceedings is, therefore, wholly unsupported by the record and deserves to be rejected.

UNCOMMUNICATED ADVERSE ENTRIES OR BELOW-BENCHMARK GRADINGS MAY BE TAKEN INTO ACCOUNT FOR THE PURPOSES OF COMPULSORY RETIREMENT

48. The submission advanced on behalf of the Appellants that adverse entries and below-benchmark gradings recorded in their Annual Confidential Reports could not have been relied upon since such entries had not been communicated to them is equally devoid of merit. The issue is no longer *res integra*. In ***Baikuntha Nath Das*** (supra), this Court authoritatively held that an order of compulsory

retirement is not liable to be interfered with merely because the competent authority, while arriving at its opinion, took into consideration uncommunicated adverse remarks. The Court expressly observed that '*an order of compulsory retirement is not liable to be quashed by a Court merely on the showing that while passing it, uncommunicated adverse remarks were also taken into consideration. That circumstance by itself cannot be a basis of interference…*'. The contention of the Appellants, therefore, runs contrary to the settled legal position governing compulsory retirement.

49. This Court is of the considered view that the reliance placed by the Appellants upon the decisions of this Court in ***Dev Dutt*** (supra) and ***Sukhdev Singh*** (supra) is misplaced. Those decisions were rendered in the context of promotion, career progression and the requirement of communicating entries that may adversely affect an employee's promotional prospects. The principles enunciated therein operate in a distinct field and cannot be mechanically extended to cases involving compulsory retirement, which are governed by a separate and well-settled jurisprudence. Accordingly, the said judgments offer no assistance to the Appellants.

CONCLUSION

50. For all the aforesaid reasons, this Court is satisfied that the process culminating in the compulsory retirement of the Appellants was undertaken in accordance with the applicable statutory provisions and the Circular dated 25th April 2017 and that the prescribed parameters were uniformly applied. Further, the

decision of the competent authority was founded upon relevant and cogent materials and that no case of arbitrariness, *mala fides*, perversity or violation of any constitutional or statutory guarantee has been made out warranting interference by this Court.

51. Consequently, the impugned judgments dated 12th April 2023 are affirmed and the Appeals stand dismissed. There shall be no order as to costs. Pending application(s), if any, shall stand disposed of.

…….J.
[MANMOHAN]

……J.
[SHREE CHANDRASHEKHAR]

New Delhi;
November 06, 2026