

1 (13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 2264 of 1990

The 2nd day of February, 1994

Hon'ble Mr. Justice S.K. Dhaon, Vice Chairman (J)

Hon'ble Mr. B.K. Singh, Member (A)

Chander Bhan,
Ex-S.I. No. D/2668, 1245/D,
S/o Shri Shiv Singh,
Village Paprawat, P.O. Najafgarh,
Delhi.

Applicant

By Advocate: None

Applicant in person.

VERSUS

1. The Commissioner of Police,
Police Headquarters,
MSO Building, IP Estate,
New Delhi.
2. The Deputy Commissioner of Police (Vig.)
Police Headquarters, IP Estate,
New Delhi.
3. The Deputy Commissioner of Police,
East District, Delhi Police,
Shalimar Park,
Delhi.

Respondents

O R D E R (Oral)

(By Hon'ble Mr. Justice S.K. Dhaon, VC(J))

On or before 7th September, 1990 the applicant was employed as Sub Inspector of Police in the Delhi Administration. On the said date, the Dy. Commissioner of Police, East District, passed an order compulsorily retiring the applicant from service. This order is being impugned in the present application.

2. The impugned order has purportedly been passed under the Central Civil Services (Pension) Rules 1972. It is recited therein that the DCP, East District, Delhi, is of the opinion that it is not in the public interest to retain the applicant in service and it is necessary to retire him from service.

Contd.....2/-

3. It is also recited in that order that instead of giving him three months' notice, he shall be paid a sum equivalent to the amount of his pay plus allowances for a period of three months which he was drawing immediately before his retirement.

4. Rule 48 of CCS (Pension) Rules, inter alia, states that at any time after a government servant has completed thirty years' qualifying service :

(a) he may retire from service, or

(b) he may be required by the appointing authority to retire in the public interest, and in the case of such retirement the government servant shall be entitled to a retiring pension.

Proviso to sub-rule (1) of Rule 48 enjoins that the appointing authority may also give a notice to the government servant at least 3 months before he is required to be retired in public interest or three months pay in lieu of such a notice.


5. It is not the case of the applicant that he did not have at his back 30 years of service on the date when the impugned order was passed. ^{we have} He has already fully indicated that the impugned order has complied with Rule 48 of CCS (Pension) Rules 1972. The applicant was paid three months' salary etc. in lieu of three months' notice.


6. The learned counsel for the respondents placed before us the relevant record. Perusal of the same indicates that the Additional Commissioner of Police on 25.5.90 felt that 5 officials, including the applicant, should be compulsorily retired in the interest of government work and therefore he recommended that the case of

all the officials be recommended to the reviewing/ screening committee for sending them on compulsory retirement. The service records of the five officials, including the applicant, along with their 'Fauji Missals' were forwarded to the said committee. The committee considered the case of the applicant. It took into account the fact that between 16.1.88 and 27.2.90 the applicant was awarded five censures. It also took into account the fact that the applicant was placed ^{was} under suspension during 1975 and ^{that} again suspended w.e.f. 17.12.89. It also took on record the fact ^{that} the applicant, besides 7 censure entries, was given 8 warnings for his failure to check the sale of narcotic drugs etc. The committee opined that the applicant may be retired in the public interest. This committee comprised three members, namely, Assistant Commissioner of Police, North; Asstt. Commissioner of Police, North-West, and Assistant Commissioner of Police, North-East District, Delhi.

7. The Hon'ble Supreme Court has recently held in two cases that in the matter of compulsory retirement it is ^{we} subject ^{we} to the satisfaction of the officer passing the order. We find no illegality in the impugned order and we are, therefore, unable to grant any relief to the applicant.

The application is dismissed with no order as to costs.


(B.K. Singh)
Member (A)


(J.K. Dhaon)
Vice Chairman (J)