

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...  
OA. No. 287 of 1990

Dated at New Delhi, this the 7th day of June, 1994

Hon'ble Shri J. P. Sharma, Member (J)  
Hon'ble Shri B. K. Singh, Member (A)

Shri Richpal Singh, S.I. No. 1404/D (Retired)  
S/o Shri Prithvi Singh  
R/o 1/2847, Ram Nagar, Loni Road  
Shahdara  
DELHI

... Applicant

By Advocate: Shri A. S. Grewal

Versus

1. Lt. Governor of Delhi, through  
Chief Secretary  
Delhi Administration  
DELHI

2. Commissioner of Police, Delhi  
Delhi Police Headquarters  
M.S.O. Building, I.P. Estate  
NEW DELHI

3. Additional Commissioner of Police (Range)  
Delhi Police Headquarters, M.S.O. Building  
I. P. Estate  
NEW DELHI

4. D.C.P. East District  
Krishna Nagar  
DELHI

... Respondents

By Advocate: Shri B. R. Prashar

O R D E R

(oral)

Shri J. P. Sharma, M(J)

The applicant was working as Sub Inspector in Delhi Police when he was retired prematurely under FR.56(J) vide order dated 22.8.1988. The applicant joined Delhi Police initially as a Constable on 19.6.1950. The order of compulsory retirement is dated 22.8.88. It goes to show that the applicant has already served for more than 33 years and inspite of compulsory retirement under FR.56(J) and he shall be entitled to full pensionary benefits.

2. However, the applicant has challenged the above order on the ground that the applicant was never informed regarding his omissions or was never conveyed the adverse remark, if any, and that the applicant has discharged his duties with full commendation and satisfaction of the superior authorities. However, it is not true as has been projected by the applicant. The applicant was awarded a punishment of censure on 3.12.84 and again a punishment of censure was given to the applicant 20.11.85. He was further given censure on the same year on the complaint of one Shri Bewari Lal. In 1986 also he was given a punishment of censure. Thus, it cannot be said that the applicant is free from all blame. There were certain omissions regarding FIR No.184/83 u/s 302/34 IPC. Initially the service record of the applicant was good and he was given promotion. However, subsequently the work of the applicant declined and hardly there is any year when he was not given a punishment of the nature of censure and also some omissions on the part of the applicant on his duties has been established. The law of compulsory retirement is initially laid down in the case of Baikuntha Nath Das & Anr Vs Chief District Medical Officer, Baripada and Anr. JT 1992(2) S.C. 1 The Hon'ble Supreme Court has given conclusions in operative portion of the judgment which is reproduced below:-

"(v) 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 for interference..."

3. The power of the Tribunal to interfere is limited. If there is any evidence based on the service record and that justifies the taking of action under FR.56(J), it is not proper that the Tribunal should interfere in such an order. A perusal of the record shows that the applicant has lost his utility and has become a burden to the police force. The impugned order, therefore, does not call for any interference, and the application, therefore, is dismissed as devoid of any merit, leaving the parties to bear their own costs.

  
(B. K. Singh)  
Member(A)

  
(J. P. Sharma)  
Member(J)

dbc