



2025:CGHC:54312-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WA No. 802 of 2025**

Rajendra Kumar Vaid S/o Watuji Vaid, Aged About 53 Years R/o R.E.S. Colony, Qr. No.- 32, Bijapur (C.G.) Presently R/o Ward No. 7, Shankarpur, C/o Narmada Paan Bhhandar, Rajnandgaon (C.G.)

... Appellant(s)**versus**

1 - State Of Chhattisgarh Through The Principal Secretary, Law Department Mahanadi Bhavan, Mantralaya Atal Nagar, Raipur, District Raipur (C.G.)

2 - Chhattisgarh High Court Through Registrar General Bodri, Bilaspur, District Bilaspur (C.G.)

3 - District Judge South Bastar Dantewada, District Bastar (C.G.)

... Respondent(s)

For Appellant(s) : Mr. Ghanshyam Kashyap, Advocate

For Respondent(s) : Mr. Y.S. Thakur, Add. A.G. and Mr. Rahul

Tamaskar, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

07.11.2025

1. Heard Mr. Ghanshyam Kashyap, learned counsel for the appellant.
Also heard Mr. Y.S. Thakur, learned Additional Advocate General for respondents on I.A. No.01/2025 i.e. an application for condonation of delay of 128 days in filing the instant appeal.
2. For the reasons mentioned in the application I.A. No.01/2025 i.e. application for condonation of delay, the same is allowed and delay is condoned. With the consent of learned counsel for the parties, the appeal is heard finally.
3. The appellant has filed this writ appeal against the order dated 17.04.2025, passed by the learned Single Judge in WPS No. 3312/2020 (***Rajendra Kumar Vaid Vs. State of Chhattisgarh and Others***), whereby the learned Single Judge has dismissed the writ petition filed by the writ petitioner / appellant herein.
4. Facts of the case in nutshell, as projected by the writ petitioner, are that initially he was appointed as "Process Writer" on 30.09.1995 in the Establishment of District Court, Jagdalpur (Bastar). His performance was 'good' and he has been granted timely promotions. In the year 2018, he was posted as Assistant Grade-II in the Court of Chief Judicial Magistrate, Beejapur, District Dantewada (C.G.). A Committee constituted by District Judge, subsequently, which was reconstituted by District Judge appointing himself as Chairman of the Committee, considered the service records of 12 employees of the District Establishment including writ petitioner, who have completed 50 years of age or 20 years of service. After scrutiny of record, vide impugned order, the writ

petitioner was compulsorily retired on the basis of adverse entries made in his Annual Confidential Report (ACR) of the year 2011, 2014 and 2016 without considering his complete service record, therefore, writ the petitioner filed WPS No. 3312/2020 challenging the order dated 29.08.2020 and order dated 24.02.2020. The learned Single Judge vide order dated 17.04.2025 dismissed the same observing that there are sufficient material available on record for compulsory retirement of the petitioner. Being aggrieved by the said order, the appellant / writ petitioner has preferred this present appeal.

5. Learned counsel for the appellant submits that in the Confidential Reports (CRs) for the years 2011 and 2014, certain adverse remarks were recorded against the appellant, for which the appellant had submitted a representation before the learned District Judge seeking their expunction. It is contended that in the year 2014, similar adverse remarks were indiscriminately given by the Reporting Officer to almost all subordinates, demonstrating that the assessment was neither specific nor based on individual performance. Further, for the year 2016, the appellant was never communicated any adverse entry or even provided with a copy of the CR, the same was obtained much later through the RTI process, which revealed that all columns carried positive remarks except for a vague and unsupported remark "suspicious" under the integrity column. It is emphasized that during the entire tenure of service, the appellant never faced any complaint, oral or written,

regarding his conduct or integrity. However, just prior to the issuance of the appellant's Voluntary Retirement (VRS) order dated 28.08.2018, the then Presiding Officer addressed a confidential letter dated 11.08.2018 to the District Judge alleging negligence against the appellant. This letter, typed on the officer's personal laptop and sent directly without following official procedure or maintaining office record, casts serious doubt on the fairness, propriety, and intent of the act, particularly since the same officer had never made any adverse remark against the appellant in his earlier CRs. The entire sequence clearly reflects procedural irregularity, arbitrariness, and mala fide intention behind the initiation of compulsory retirement proceedings.

6. It is further submitted that the Screening Committee, while recommending the appellant's compulsory retirement, failed to consider the appellant's entire service record in its true perspective and relied solely upon the adverse ACRs for the years 2011, 2014, and 2016, which were never communicated to the appellant, in violation of the law laid down by the Hon'ble Supreme Court in ***Dev Dutta v. Union of India (2008) 8 SCC 725 and Sukhdev Singh v. Union of India (2013) 9 SCC 566***. The appellant's subsequent ACRs for the years 2016-17 and 2017-18 were satisfactory and reflected improvement in performance, which should have been duly considered. Moreover, it is pointed out that the District Judge, who was initially not a member of the Screening Committee, later included himself as its Chairman and also acted

as the disciplinary authority who passed the impugned order of compulsory retirement dated 29.08.2018. Such dual roles are impermissible and vitiate the proceedings being against the principles of natural justice. The impugned order, therefore, suffers from non-application of mind, arbitrariness, and mala fides. The appellate order dated 24.02.2020 rejecting the appellant's representation is also cryptic, unreasoned, and unsustainable in law, having been passed mechanically without proper consideration of the appellant's submissions.

7. On the other hand, learned counsel for respondents opposes the submissions made by the learned counsel for the appellant and submits that the learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the writ petitioner / appellant herein, in which no interference is called for.
8. We have heard learned counsel for the parties and perused the impugned order and other documents appended with the writ appeal.
9. From perusal of the impugned order, it transpires that the learned Single Judge, after considering the rival submissions and examining the material placed on record, dismissed the writ petition by observing that while passing an order of compulsory retirement, there must be an overall assessment of the entire service record of the concerned employee, and such decision must be based on the subjective satisfaction of the competent

authority derived from cogent material available on record. The Court further held that the scope of judicial interference in matters of compulsory retirement is extremely limited and unless it is shown that the order was passed arbitrarily, without application of mind, or in the absence of any material evidence, the High Court cannot interfere with the order of compulsory retirement, which need not even be a speaking order.

10. The learned Single Judge, upon perusal of the service record and Annual Confidential Reports (ACRs) of the petitioner, found that though his grading was “Good” or “Very Good” for some years, from 2010 onwards his performance, character, and integrity had consistently deteriorated. Specifically, for the years 2011, 2014, and 2016, his integrity had been recorded as “shoddy,” “not honest,” and “doubtful,” respectively. The overall grading for most years between 2010 and 2017 was either “shoddy” or “ordinary good.” The Court also noted that a special report from the Chief Judicial Magistrate, Bijapur dated 10.08.2018, reflected non-compliance with directions and lack of diligence in duties. Based on these facts, it was held that the decision of the Screening Committee and the subsequent order of compulsory retirement were supported by sufficient material and could not be termed arbitrary or perverse. The contention that adverse entries were not communicated to the petitioner was also rejected in view of the decisions of the Hon’ble Supreme Court in ***Harijan and Tribal Welfare Deptt. v. Nityananda Pati 1993 Supp(2) SCC 391*** and

State of Gujarat v. Umedbhai M. Patel (2001) 3 SCC 314, holding that even uncommunicated adverse entries can be considered for compulsory retirement. Accordingly, the writ petition was dismissed, holding that there was adequate material to justify the petitioner's compulsory retirement.

11. Considering the submissions made by the learned counsel appearing for the parties and the impugned order passed by the learned Single Judge, we notice that the same has been rendered with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmity or perversity, as such, we are not inclined to interfere with the impugned order.
12. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice