

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

2025:PHHC:064416-DB



Civil Writ Petition No. 16249 of 2018 (O&M)  
 Reserved on : 31.01.2025  
 Pronounced on : 15.05.2025

Harjinder Pal Singh-II son of Shri Gurmej Singh .....Petitioner

versus

State of Punjab and another .....Respondents

**CORAM:** HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
 HON'BLE MR. JUSTICE SUMEET GOEL, JUDGE

Present : Mr. DS Patwalia, Senior Advocate with  
 Mr. Saurabh Arora, Advocate, for the petitioner.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

Mr. Rajiv Kawatra, Advocate, for respondent No.2.

\*\*\*\*

**SHEEL NAGU, CHIEF JUSTICE**

Writ as well as supervisory jurisdiction under Article 226 read with Article 227 of the Constitution of India is invoked to assail the order dated 10.04.2018 (Annexure P-21) by which the petitioner on attaining the age of 55 years has been prematurely retired in public interest from the Punjab Superior Judicial Services.

2. The factual matrix involved in this case necessary for adjudication is detailed below in chronological manner:-

<b><u>Dates</u></b>	<b><u>Events</u></b>
<b>1992</b>	Petitioner initially appointed as Civil Judge (Jr. Divn.), in Punjab.
<b>09.06.1992 to 17.09.2001</b>	Petitioner remained posted as Civil Judge in different districts in State of Punjab
<b>17.09.2001 to</b>	Petitioner was promoted as Addl. Civil Judge (Sr.

<b>07.03.2008</b>	Division).
<b>07.03.2008 to 7.04.2009</b>	Petitioner promoted as Chief Judicial Magistrate-cum-Addl. Civil Judge (Sr. Division).
<b>7.4.2009 to 31.03.2011</b>	Petitioner appointed as Addl. District & Sessions Judge (Adhoc-Fast Track Court).
<b>01.04.2011 to 05.06.2012</b>	Petitioner again posted as Civil Judge (Sr. Division).
<b>06.06.2012 to 10.11.2012</b>	Petitioner again posted as Addl. District & Sessions Judge (Adhoc), Fast Track Court.
<b>10.11.2012</b>	Petitioner was promoted on regular basis to the post of Addl. District & Sessions Judge.
<b>11.03.2015 (P/2)</b>	While the petitioner posted as AD&SJ, at Jalandhar, in a matrimonial case JMIC, Jalandhar passed an order stating that one Judicial Officer of Superior Judiciary is repeatedly trying to influence the JMIC.
<b>21.03.2015 (P/3)</b>	JMIC, Jalandhar submitted his comments stating that the petitioner repeatedly tried to influence him to vacate the stay and allow the respondent party to operate the bank locker.
<b>24.03.2015</b>	Administrative Judge summoned the concerned JMIC and verified the facts with regard to the complaint made by him against the petitioner. Even hearing was afforded to the petitioner.
<b>26.03.2015 (P/4)</b>	The Administrative Judge submitted his comments to the then Acting Chief Justice for consideration.
<b>April, 2015</b>	Petitioner was transferred from Jalandhar to Tarn Taran in April, 2015.
<b>18.5.2015 (P/5)</b>	Pursuant to the said note dated 26.03.2015, comments on all the issues were called from the petitioner.
<b>01.07.2015 (P/6)</b>	Petitioner duly submitted his comments.
<b>05.8.2016 (P/11)</b>	Adverse remarks in ACR of the year 2015-16 were conveyed.
<b>26.08.2016 (P/15)</b>	A charge sheet under Rule 5 read with Rule 8 of Punjab Civil Services (Punishment and Appeal) Rules, 1970 and Rule 3 of Punjab Government Employees Conduct Rules, 1966 was issued to petitioner.
<b>17.01.2017 (P/12)</b>	Petitioner submitted representation for expunging the remarks recorded in column Nos. 1(B), 2 and 7 in the ACR for the year 2015-16 and for up-grading the remarks recorded in column No. 9 recorded by the Administrative Judge.
<b>20.02.2017 (P/13)</b>	Representation dated 17.01.2017 submitted by the petitioner against the remarks of ACR (2015-16) was considered and rejected by the High Court on administrative side.
<b>27.02.2017 (P/16)</b>	Petitioner submitted his reply to the charge-sheet.
<b>28.02.2017 (P/7)</b>	Adverse remarks in ACR of the year 2014-15 were conveyed.
<b>17.08.2017 (P/8)</b>	Petitioner submitted representation for expunging the adverse remarks recorded in ACR (2014-15) and for up-gradation.
<b>14.02.2018 (P/9)</b>	Said representation dated 17.08.2017 was considered and rejected by the High Court on administrative side.
<b>08.03.2018 (P/17)</b>	Judicial work assigned to petitioner as Addl. District & Sessions Judge, Tarn Taran was withdrawn.
<b>21.3.2018 (P/18)</b>	Petitioner applied for supply of minutes of the meeting of the Full Court under the RTI Act, 2005.

<b>04.04.2018 (P/19)</b>	Information under the RTI Act was supplied to the petitioner.
<b>10.04.2018 (P/23)</b>	Notification prematurely retiring petitioner on completion of 55 years of age issued.
<b>20.04.2018 (P/21)</b>	The petitioner was directed to relinquish charge.
<b>19.04.2018</b>	Petitioner filed CWP No. 9806 of 2018 challenging impugned orders wherein notice of motion was issued.
<b>01.05.2018</b>	Counsel for petitioner had submitted before the Court that an order has been passed by the Government on the recommendation of the High Court for compulsory retiring the petitioner and therefore, CWP-9806-2018 was adjourned to 23.05.2018.
<b>23.05.2018 (P/20) (collectively)</b>	CWP-9806-2018 was dismissed as infructuous with liberty to avail appropriate remedy against the order of premature retirement.
<b>Annexure P-24.</b>	Chart showing the final remarks given in the ACRs of the petitioner from 1992 to 2014.
<b>05.07.2018</b>	Present Petition CWP-16249-2018 filed.

A bare perusal of the service profile of petitioner right from induction in subordinate judicial service in the year 1992 till his compulsory retirement in the year 2018 from the Punjab Superior Judicial Services reveals that during 26 years of his service career, the petitioner had been awarded average/satisfactory B-Grading remarks in the first nine years of his career from 1992-93 till 1998-99. Thereafter from 1999-2000 till 2009-2010 the petitioner was awarded B+Good Grading. For 2010-2011, the petitioner was again graded as B Average followed by three B+Good Gradings for the years 2011-12, 2012-13 and 2013-14 respectively.

3.1 During the last two years of his career i.e. 2014-15 and 2015-16, adverse remarks were written by his superiors and his integrity was also categorized as 'doubtful'. The details of ACR recorded for the years 2014-15 are as under:-

1.	Quantity of work:	Unsatisfactory
(a)	Conduct of business in Court and Office:	Satisfactory.
(b)	Quality of judgment:	Not up to the mark and needs improvements and better

		application.
2.	Quantity of work:	Average
3.	Capacity of management, leadership and team work:	Average
4.	Inter-personal relationship and team work:	Has demonstrated a propensity to interfere with others functioning.
5.	State of health:	Apparently good.
6.	Period under observation of the Administrative Judge:	2014-2015
7.	Integrity	Credibility is seriously in doubt for the reasons contained in the note of the undersigned dated 26.03.2015 which may be read in conjunction with these remarks.
8.	General assessment regarding strength and short-comings:	Come across as an unreliable officer.
9.	Grading	C(Below Average)
Part III		
	Remarks of the Administrative Judge	Unreliable officer, with questionable credibility.

3.2 Similarly, the details of the ACR recorded for the years 2015-16 reads as under:-

1.	Quantity of work:	
(a)	Conduct of business in Court and Office:	Average
(b)	Quality of judgment:	Poor
2.	Quantity of work:	Reasonable
3.	Capacity of management, leadership and team work:	Average
4.	Inter-personal relationship and team work:	Average
5.	State of health:	Good.
6.	Period under observation of the Administrative Judge:	2015-2016

7.	Integrity	Various complaints concerning his work and conduct are pending. In the case of Kavita Aggarwal vs. Manu Aggarwal, COMA No.4 of 2015 chargesheet is being issued for imposition of major penalty. His integrity needs close scrutiny. Not fit to be retained in service.
8.	General assessment regarding strength and short-comings:	--
9.	Grading	C(Below Average)(see Column No.7 above)
Part III		
	Remarks of the Administrative Judge	As above.

4. Learned senior counsel for petitioner raises the following grounds of challenge to the order of compulsory retirement in public interest:-

- i) Once having issued the charge-sheet on 26.08.2016 vide Annexure P-15, the petitioner made to suffer an order of compulsory retirement in public interest while dropping disciplinary proceedings, especially when the subject matter of disciplinary proceedings and the foundational cause behind compulsory retirement in public interest was the same.
- ii) In the given facts and circumstances, the Court needs to pierce the veil to go behind the order of compulsory retirement in public interest to ascertain whether the charge levelled against the petitioner in disciplinary proceedings was the foundation or merely the motive of compulsorily retiring the petitioner in public interest.

5. To adjudicate upon the aforesaid first ground, this Court is guided by the settled principle of service jurisprudence that even a similar adverse entry in the integrity column of any particular year in the service career of the

employee is sufficient to compulsorily retire an employee in public interest. The settled position of law also reveals that superior Courts are authorized to pierce the veil to ascertain the truth. Piercing of veil is meant to ascertain whether pending disciplinary proceedings in the charge levelled therein was the foundational cause for adopting shortcut method of compulsory retirement in public interest or not.

5.1 In this exercise of exploring the truth, it is essential for this Court to find out on the basis of entire service record of the petitioner with greater emphasis on recent record as to whether there is material available in the file to substantiate subjective satisfaction of the employer in reaching the conclusion of compulsory retirement in public interest. The satisfaction of the employer is no doubt subjective but the same needs to be based on objective consideration and material.

5.2 This delicate exercise of deciding whether an employee needs to be retained in service beyond certain age of 50/55/58 years requires to be conducted on a platform where the employer is allowed ample elbow room to arrive at a subjective satisfaction which may not be mathematically based on material and evidence on record, but can very well be based on general/spoken reputation. However, the objective satisfaction should essentially and generally be based on some material/evidence on record which indicates that the employee under scanner is a deadwood and therefore, needs to be weeded out. No straight jacket formula can be prescribed for conducting this exercise. On occasions and more so in judicial service, the official concerned is required to be dealt with great care and caution. The basic and fundamental attribute of a judicial officer is his integrity, which should at all given times, without fail, remain above board. The yardstick by which the element of integrity is

measured in judicial service is much more stringent than the yardstick in any other service under the State or Union.

5.3 The concept of spoken reputation ostensibly smacks of non-objectivity. However, spoken reputation particularly in judicial service comes in handy to the employer when there are occasions of assessing the officer concerned for designation/promotion/posting/confirmation and deciding whether or not to retain the officer in judicial service beyond the age of 50/55/58 years. Spoken reputation sometimes may not be based on material or evidence on record. There may be occasions especially when the Annual Confidential Report (ACR) of the officer has not yet been written and yet an assessment is to be made whether to retain him or not. For this purpose, besides falling back upon the earlier ACRs entries, spoken reputation in the mind of concerned Administrative Judge/members of Administrative Committee and other Hon'ble Judges on the Bench can be a good source of information.

5.4 Pertinently this exercise as aforesaid needs to be undertaken with great care, caution and circumspection. In processes which involve higher degree of subjectivity, care has to be taken not to allow prejudices and *mala fides* to come to the fore or else these have tendencies to vitiate the process.

5.5 Reverting to the facts of the case, the service profile of the petitioner demonstrates that one of the last two ACRs for the years 2014-15 and 2015-16 contained serious taint qua the attribute of integrity.

6. The Administrative Judge had commented that the petitioner is unreliable with questionable integrity. The note dated 26.03.2015 of Administrative Judge was appended which reads thus:-

*“An order passed by Shri G.S.Sekhon, Civil Judge(Junior Division), posted at Jalandhar was highlighted in the Press,*

throwing up an unsavory controversy. The order dated 11.03.2015 passed by the Officer is extracted here below :-

"In this case, the respondent No.1 is trying to influence the Court of undersigned through one Judicial Officer of Superior Judiciary, that too, repeatedly and the said Judicial Officer repeatedly asked the undersigned to allow respondent No.1 to operate locker in question. It is pertinent to mention here that the operation of the locker has already been stayed by the learned Predecessor of this Court. The name of the officer may be disclosed to the learned Chief Judicial Magistrate, Jalandhar on enquiry made by him to the undersigned, if any. So, under these circumstances, I do not want to decide this case/petition. Hence, file is ordered to be sent to the Court of learned Chief Judicial Magistrate, Jalandhar with a request to transfer this case/petition to any other Court for proper adjudication. The parties along with their learned counsels are present and all are directed to appear before the learned Chief Judicial Magistrate, Jalandhar on 19.3.2015 at 9.30 a.m. Ahlamad is directed to send the file complete in all respects well before the next date of hearing. However, respondent is warned not to use such illegal and unlawful tactics ever."

On my visit to Jalandhar on 24.03.2015, I summoned the concerned officer and verified the facts. He stoically stood by the fact that an Additional District Judge Shri H.P.Singh who is also posted at Jalandhar, was pressurizing him to pass orders, varying the earlier interim orders which would have enabled the respondent in the case to have access to a bank locker standing jointly in the name of the petitioner and the said respondent.

I then interacted with Shri H.P.Singh, Additional District Judge who confessed to have talked about the matter with the concerned Judicial Officer Shri G.S.Sekhon. He, however, stated that it was merely a request to expedite the issue and nothing more.

Upon being enquired as to what prompted him to make such a request on behalf of the litigant, he candidly conceded that he knew the litigant involved.

In my considered opinion, it cannot be presumed that Shri H.P.Singh would have made an innocent request of expediting the matter, even if his plea is accepted. Besides, he had no

*business to even make such a request, as this would amount to an obstruction in the course of justice and thus, contemptuous besides being reflective of a conduct unbecoming of a Judicial Officer.*

*Shri H.P.Singh does not enjoy a good reputation as I discovered in the face of numerous complaints by the litigants. Two glaring instances also show him in poor light.*

*The President of the Bar Association, Phillaur Shri Krishan Kumar Khattar and his son Shri Upesh Khattar along with his family members are accused in a case registered vide F.I.R. dated 28.06.2012 pertaining to the allegations of land grab of a non-resident Indian. Challan was presented on 20.11.2012 against one of the accused Gandharv Sain in whose favour a power of attorney was allegedly forged on the basis of which a sale transaction was executed in favour of Shri Khattar. A supplementary challan was submitted on 26.07.2013 against Shri Khattar and his son. Pre-arrest bail was granted to them on 04.10.2013. A third supplementary challan was submitted against Baljit Kaur and others on 20.02.2014 and charge was framed against all the accused persons by the S.D.J.M., Nakodar upon which the accused person namely Subhash Chander filed a Revision before the Court of Additional Sessions Judge, Jalandhar. The case was entrusted to Shri H.P.Singh, A.D.J. who summoned the original case file and did not release the same despite the request made by the learned trial Court and as I have been informed, despite the fact that the District Judge in his regular monthly meetings also requested the officer to release the file.*

*The Revision was disposed of by the said Court on 20.12.2014.*

*He needs to explain why he summoned and retained the original file delaying the proceedings a situation advantageous to the accused a President of the Bar Association.*

*All this points out an irresponsible conduct by Shri H.P.Singh, A.D.J. who retained the file till 20.1.2015.*

*One litigant also met to apprise me of a loss of file in the Court of this very officer and it was alleged that he along with his Ahlamad had got the file misplaced deliberately in order to help the other side. An enquiry in this regard is going on against the Ahlamad.*

*I would like to submit all these facts for the consideration of Hon'ble the Acting Chief Justice.”*

6.1 The aforesaid note of the Administrative Judge was placed before the then Acting Chief Justice who forwarded the same to the Vigilance Disciplinary Committee (VDC). VDC in its meeting dated 21.01.2016 after hearing the petitioner and being not satisfied with his reply recommended for initiation of disciplinary proceedings for major penalty. Consequently, a charge sheet dated 26.08.2016 was issued alleging the following charges:-

*“1. That while you posted as Additional District & Sessions Judge, Jalandhar, a case titled as "Kavita Aggarwal Vs. Manu Aggarwal" was pending in the Court of Sh. G.S. Sekhon, PCS, JMIC, Jalandhar. In order to favour Sh. Manu Aggarwal i.e. Respondent no. 1 in the said case you pressurized Sh. G.S. Sekhon, PCS, JMIC, Jalandhar, to allow respondent no. 1 to operate bank locker and also compelled him to make a request for the transfer of this case from his Court to some other Court. As such you have pressurized the officer subordinate to you and tried to interfere in his judicial work. You have failed to keep honesty and integrity as expected from a Judicial Officer and thereby acted in a manner unbecoming of a judicial officer.*

*2. That while you posted as Additional District & Sessions Judge, Jalandhar, you dealt with a Criminal Revision No. 9614 dated 12.3.2014 titled as "Subash Chander Vs. State of Punjab". You vide orders dated 12.3.2014, while admitting the appeal in question, requisitioned the record of lower Court and kept the same with you despite request made by the trial court to return the record vide letter No. 2233 dated 26.4.2014. You kept the record of the case even after passing of judgment dated 20.12.2014 and did not return the record despite request made by trial court vide letter no. 80 dated 6.1.2015. You kept the record of trial court with you just to delay the proceedings in a situation advantageous to the accused. By doing so you have failed to perform your duty with utmost*

*devotion and misconducted yourself and have acted in a manner unbecoming of a Judicial Officer.”*

6.2 The said disciplinary proceedings were pending but were decided not to be proceeded against with and the Employer in its discretion decided to compulsorily retire the petitioner in public interest.

7. It would be apt to reproduce the ACRs for the appraisal years 2014-15 and 2015-16 as follow:-

**ACR OF THE YEAR-2014-15**

1.	Quantity of work:	Unsatisfactory
(a)	Conduct of business in Court and Office:	Satisfactory.
(b)	Quality of judgment:	Not up to the mark and needs improvements and better application.
2.	Quantity of work:	Average
3.	Capacity of management, leadership and team work:	Average
4.	Inter-personal relationship and team work:	Has demonstrated a propensity to interfere with others functioning.
5.	State of health:	Apparently good.
6.	Period under observation of the Administrative Judge:	2014-2015
7.	Integrity	Credibility is seriously in doubt for the reasons contained in the note of the undersigned dated 26.03.2015 which may be read in conjunction with these remarks.
8.	General assessment regarding strength and short-comings:	Come across as an unreliable officer.
9.	Grading	C(Below Average)
Part III		
	Remarks of the Administrative Judge	Unreliable officer, with questionable credibility.

**ACR OF THE YEAR 2015-16**

1.	Quantity of work:	
(a)	Conduct of business in Court and Office:	Average
(b)	Quality of judgment:	Poor
2.	Quantity of work:	Reasonable
3.	Capacity of management, leadership and team work:	Average
4.	Inter-personal relationship and team work:	Average
5.	State of health:	Good.
6.	Period under observation of the Administrative Judge:	2015-2016
7.	Integrity	Various complaints concerning his work and conduct are pending. In the case of Kavita Aggarwal vs. Manu Aggarwal, COMA No.4 of 2015 chargesheet is being issued for imposition of major penalty. His integrity needs close scrutiny. Not fit to be retained in service.
8.	General assessment regarding strength and short-comings:	--
9.	Grading	C(Below Average) (see Column No.7 above)
Part III		
	Remarks of the Administrative Judge	As above.

**REGARDING ACRS OF THE YEARS 2014-15 & 2015-16**

7.1 After the petitioner in his ACR for the year 2014-15 was awarded adverse remarks including that of integrity doubtful in the following appraisal year 2015-16, the then Administrative Judge of Jalandhar Sessions Division

made the following note while passing a judicial order in CRM-M No. 17248-2015:-

“While hearing the anticipatory bail application filed by the petitioner Jatinder Singh @ Jony bearing CRM-M-17248 of 2015 in a cross-case/DDR No. 22 dated 27.02.2014 registered under Sections 323,324,307 and 34 IPC at Police Station Division No.2, Jalandhar, it prima - facie came to the notice of this Court that the pre-arrest bail application moved by petitioner Jatinder Singh @ Jony before the Sessions Court at Jalandhar was adjourned 21 times without any effective order being passed. The petitioner has referred to various zimini orders reproduced in the petition which reveal that the case was adjourned by Additional Sessions Judge, Jalandhar on several dates as police record was not produced. It has further come to the notice of the Court that accused Vijay Thapa is admittedly the main accused, who caused a datar blow on the head of the complainant leading to a fracture skull. After registration of FIR, though efforts were made by the investigating agency to arrest accused Vijay Thapa, but he managed to escape to Malaysia. Prima-facie finding serious lapse on the part of the investigating agency, particularly when the said accused was named in the aforesaid cross-version case registered vide DDR No. 22 dated 27.2.2014, this Court observed that the matter may require enquiry by an independent agency/authority as police has been unable to explain why main accused fled from the country. On the other hand, learned State counsel, at the time of hearing of the anticipatory bail application of petitioner Jatinder Singh @ Jony before this Court on July 24, 2015, submitted that statement of Naib Court and MHC of concerned Police Station had been recorded, according to which, no notice was received from the Court of Additional Sessions Judge, Jalandhar regarding the bail application preferred by the petitioner. The said case now stands adjourned for 14.08.2015.

In these circumstances, it is directed to the District & Sessions Judge, Jalandhar to look into the matter and submit the report on the bail application of petitioner Jatinder Singh @ Jony, which remained pending for a long period, and

was adjourned without any justification even without passing any effective order.”

7.2 District & Sessions Judge, Jalandhar after examining the record submitted his report dated 10.08.2015 which was placed before the then Administrative Judge, who in turn interviewed the petitioner as well as the other officer involved in the case.

7.3 When CRM-M No. 17248-2015 came up before another Hon’ble Judge of this Court on a subsequent date of hearing, the following orders were passed:-

*“It appears that officer adjourn the anticipatory bail application twenty-one times. Petitioner was left with no option but to approach this Court whereafter interim bail was granted. The explanation of the officer was sought. He has stated as follows:*

*It is respectfully submitted that bail application No. 5437 of 2014, date of institution 19.09.2014 titled Jatinder Singh @ Johnny Vs. Punjab State and bail application No. 233 of 2014 date of institution 13.01.2015 titled “Vijay Thapa Vs Punjab State both arising out FIR No. 10 dated 23.01.2014, under section 307/323/324/326/148/149 IPC of Police Station Division No. 2, Jalandhar are pending before this Court. In both the applications no order could be passed as police record was not produced. It is respectfully submitted that I joined at Jalandhar on 06.04.2015. Thereafter I remained on training from 15.04.2015 to 16.05.2015. The file of the bail application titled Jatinder Singh @ Johnny Vs. Punjab State was put up before me only on 10.04.2015, 13.04.2015, 27.05.2015 (IO was away to Chandigarh) and 11.06.2015. On these dates record was not produced. Similarly bail application titled Vijay Thapa Vs Punjab State was put before me on 10.04.2015, 13.04.2015, 27.05.2015 (IO was away to Chandigarh) and 11.06.2015. On these dates arguments on bail application could not be heard as police record was not produced. I have recently joined at Jalandhar on promotion as Additional District & Sessions Judge. Being new I could not pass effective orders calling for*

*police record. It is requested that lapse on my part in ensuring produce of police record may be forgiven. I assure that in future all production of police record may be forgiven. I assure that in future all necessary measures will be taken, so that anticipatory bail applications are not delayed for non-production of police record”*

*The officer needs to improve his court working and awareness of procedure. Matter be brought to the notice of the Administrative Judge.”*

7.4 After seeking further explanation and report from the concerned District & Sessions Judge, the matter was again placed before the concerned Administrative Judge who on 03.05.2016 found the explanation given by the petitioner for prolonging the bail application to be not satisfactory. However, to ascertain whether such delay was inadvertent or emanated from some motive, the matter was referred to the VDC. VDC in its meeting dated 21.09.2016 after being apprised of the fact that disciplinary proceedings have already been initiated against the petitioner for misconduct, pertaining to the previous appraisal year, recommended to place the matter before the Administrative Committee dealing with the issue of retaining the judicial officers beyond the age of 55 years. Consequently, the Administrative Committee in its meeting dated 22.02.2017 recommended that looking to the overall record of the officer, it was in public interest not to retain the officer as a member of the Punjab Superior Judicial Services and accordingly referred the matter to the Full Court which in turn accepted the recommendation of the Administrative Committee and resolved to withdraw judicial work from the petitioner. Thereafter the matter was referred to Vigilance Disciplinary Committee which in its meeting dated 20.03.2018 recommended that with regard to disciplinary proceedings, the same be deferred for the time being in view of the Full Court decision having accepted the proposal of the

Administrative Committee of not retaining the petitioner in service beyond the age of 55 years.

8. **REGARDING A.C.R OF THE YEAR 2016-17:-**

1.	Quantity of work:	
(a)	Conduct of business in Court and Office:	V. Good
(b)	Quality of judgment:	Good
2.	Quantity of work:	Good
3.	Capacity of management, leadership and team work:	Good
4.	Inter-personal relationship and team work:	V. Good
5.	State of health:	V.Good.
6.	Period under observation of the Administrative Judge:	01.04.2016 to 31.03.2017
7.	Integrity	No complaint received during the period under assessment
8.	General assessment regarding strength and short-comings:	Considering the remarks recorded in the ACR for the years 2014-2015 and 2015-2016, working of this officer was minutely watched/monitored. Even regular feedback was taken from the District Judge. During this period no complaint was received against him, which may substantiate anything against him about his integrity. Though the officer is slow in working, but has acceptability in the Bar. As per my assessment, he is a hardworking officer.
9.	Grading	B Plus(Good)
Part III		
	Remarks of the Administrative Judge	As per Sr. No.8 of Part-II.

8.1 Learned senior counsel for the petitioner has heavily relied upon the ACR of the petitioner recorded for the years 2016-17 to contend that over all performance of the petitioner was categorized as B+ (Good) with remarks of 'Very Good' in the columns of inter-personal relationship and team work and State of health. In the column of general assessment, it was contended that after a close watch kept on the petitioner in the years 2014-15 and 2015-16, the feed back that was received from District & Sessions Judge was that there was no complaint especially as regards integrity. However, it was observed that the petitioner is slow in working but has acceptability in Bar being hard working officer.

8.2 In the backdrop of the aforesaid factual matrix, assessment of the performance, conduct and behaviour of the petitioner in the last so many years of his entire service career, this Court has now to assess whether the decision impugned herein of compulsorily retiring the petitioner in public interest was legal and valid and was or not effected by any prejudice or malice.

8.3 The service profile of the petitioner from 1992 to 2017 reveals that in the first nine years of his career right from 1992-93 to 1998-99, he was categorized as only a satisfactory officer whereafter from 1999-2000 to 2013-14, he was categorized as B+(Good) except 2010-11 when he was graded as B (average).

8.4 It may not be out of place to mention here that the petitioner was promoted on substantive basis into Punjab Superior Judicial Services in November-2012 and therefore, the average/satisfactory grading awarded to him prior to his promotion loose their sting and thus will not fall in the category of legitimate cause which could have influenced the employer while

deciding the petitioner to be fit or unfit to be retained in service beyond the age of 55 years.

8.5 Therefore, the material which require close scrutiny for deciding as to whether the petitioner was a deadwood or not is the ACR gradings, his performance, conduct and behaviour from 2013-14, 2014-15, 2015-16 and 2016-17. From the aforesaid material, the VDC for the first time on 21.09.2016 applied its mind to this aspect and resolved to refer the matter to the Administrative Committee dealing with retention of judicial officers beyond the age of 55 years. The aforesaid recommendation of the VDC was approved by the then Chief Justice on 27.09.2016 which was then put up before the Administrative Committee convened on 22.02.2017 where the decision was taken to weed out the petitioner being a deadwood on attaining the age of 55 years. This recommendation of the Administrative Committee was confirmed by the Full Court on 06.03.2018.

8.6 Therefore, when the decision by the Administrative Committee was taken after perusing the entire service profile of the petitioner with special emphasis on the last few years including the years of 2014-15 and 2015-16 in which he earned adverse remarks with integrity 'doubtful', the ACR of the year 2016-17 with B+ (Good) grading was not in existence.

8.7 It is settled that even a single adverse entry in regard to integrity can be sufficient to weed out an employee as a deadwood. After having gone through the record and having heard the arguments extended by learned counsel for the rival parties and having perused the material on record, the element of *mala fides* or prejudices in the decision-making process of the Administrative Committee or the Full Court appears to be conspicuously missing. The decision to weed out the petitioner as a deadwood was based on

two glaring adverse remarks showing tainted integrity. Integrity is the most important attribute in the service of a judicial officer. Slightest of doubt qua integrity entitles the employer to assess the suitability for further retention in service.

8.8 The petitioner has not alleged any *mala fides* against any particular individual and therefore, this Court need not to go into the aspect of *mala fide*.

9. This Court has perused all the judgments relied upon by learned counsel for the petitioner but finds that these judgments relied upon revolve on their own facts which are distinct than the factual matrix available in this case and thus the ratio laid down by these decisions has no application or assistance in this case.

10. This Court does not have any hesitation to hold that charge sheet by which disciplinary proceedings were initiated against the petitioner and which were held in abeyance by adopting the alleged shortcut method of compulsorily retiring the petitioner at the age of 55 years in public interest, cannot be categorized as a foundation behind the decision to weed out the petitioner as deadwood but however can be categorized as a mere motive.

11. On the conspectus of the aforesaid discussion and the settled position of law especially in regard to the discretion available to an employer to decide on the question of declaring a particular employee to be deadwood or not having been well settled by various decisions of the Apex Court, this Court is of the considered view that no scope for interference is made out in the impugned order which is accordingly upheld.

12. In view of the above, the petition stands dismissed.

**(SHEEL NAGU)  
CHIEF JUSTICE**

**(SUMEET GOEL)  
JUDGE**

**15.05.2025**

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No