



1992-93	C
1993-94	D
1994-95	D
1995-96	C
1996-97	C
1997-98	D
1998-99	D
1999-00	C
2000-01	B
2001-02	B
2001-02	D
2002-03	Not written as under suspension, then from 19.09.2002 unauthorizedly absent/absconding
2003-04	Not written due to absconding
2004-05	Not written due to absconding
2005-06	Not written due to absconding
2006-07	Not written due to absconding
2007-08	D
2008-09	D

"

It is in view of the submission of learned counsel for the appellant that for the last five years the respondent absented unauthorizedly, that notice was issued in the matter as recorded in the order dated 09.05.2019 since what had weighed with the learned Judges in the impugned order was the non-placement of the ACRs for the last five years before the Scrutiny Committee.

The impugned orders have relied upon the principles laid down by this Court in *Rajasthan State Road Transport Corporation and*

*Ors. v. Babu Lal Jangir* - 2013 10 SCC 531 opining that the compulsory retirement should be based on appraisal of overall performance during the whole tenure of service having regard to the entire service record of the employee and taking a holistic view.

A perusal of the service record of the respondent leave us with no doubt that if this is not a case of deadwood, what would be the case of the deadwood considering that the grading of the respondent is 'D' or 'C' except for two years when it was 'B'. Not only that, for the last five years the respondent absented from duty and thus, there would be no occasion to consider the services record of the last five years.

We are unable to agree with the reasoning of the learned Single Judge and the Division Bench and thus, set aside the impugned orders and sustain the order of compulsory retirement.

The appeals are allowed and the parties are left to bear their own costs.

..... J.  
[SANJAY KISHAN KAUL]

..... J.  
[K.M. JOSEPH]

NEW DELHI;  
JANUARY 13, 2020.

ITEM NO.28

COURT NO.12

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 11484-11485/2019

(Arising out of impugned final judgment and order dated 05-02-2019 in WA No. 1639/2018 and order dated 08-03-2019 in RP No. 334/2019 passed by the High Court Of M.P. At Gwalior)

MADHYA PRADESH

MADHYA KSHETRA VIDYUT VITARAN CO. LIMITED &amp; ANR.

Petitioner(s)

VERSUS

DHARMENDRA SINGH JADON

Respondent(s)

IA No. 74446/2019 - EXEMPTION FROM FILING O.T.

Date : 13-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Ms. Anshruta Maheshwari, Adv.  
Mr. Mirza Kayesh Begg, Adv.  
Mr. Rohit K. Singh, AOR

For Respondent(s) Ms. Anushree Shukla, Adv.  
Mr. Prashant Shukla, Adv.  
Ms. Pratibha Yadav, Adv.  
Mr. Arsh Dhanotia, Adv.  
Ms. Sukriti Bhardwaj, Adv.  
Mr. Abhinav Ramkrishna, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application stands disposed of.

(ASHA SUNDRIYAL)  
COURT MASTER

(ANITA RANI AHUJA)  
COURT MASTER

[Signed order is placed on the file]