

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 12746-12747 OF 2017

MOHAMMAD SALEEM MALIK

APPELLANT(S)

VERSUS

THE STATE OF RAJASTHAN & ANR.

RESPONDENT(S)

O R D E R

The appellant herein was compulsorily retired under Rule 53(1) of the Rajasthan Civil Service (Pension) Rules, 1996 (for short "the Rules"). He has challenged that Order by filing a writ petition in the High Court of Rajasthan which has been dismissed by the High Court *vide* Judgment dated 18.05.2017. The present appeals are filed questioning the correctness of the said judgment.

Admittedly, this compulsory retirement was by way of an administrative action under Rule 53 of the Rules and, therefore, it is not in the nature of punishment and it does not cast any stigma on the appellant. Before taking the action under the aforesaid provision, the Chief Justice of the High Court has constituted a Committee of five Judges which Committee had gone into the entire service record of the appellant and submitted its report to

this effect to the Chief Justice. Based thereon, a decision was taken to compulsorily retire the appellant on the basis of overall assessment of service record, including personal and other files of the appellant.

We have heard learned counsel for the parties at length and to satisfy ourselves, we had directed the respondent to produce the original record. We have gone through those records. After perusal of these records, we find that the impugned action of compulsory retirement taken against the appellant was justified and does not call for any interference.

The appeals are, accordingly, dismissed.

.....J.
(A.K. SIKRI)

.....J.
(ASHOK BHUSHAN)

NEW DELHI,
AUGUST 30, 2018

ITEM NO.12

COURT NO.5

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 12746-12747/2017

MOHAMMAD SALEEM MALIK

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN & ANR.

Respondent(s)

Date : 30-08-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. Vikas Singh, Sr. Adv.
 Ms. Vibha Datta Makhija, Sr. Adv.
 Mr. Yunus Malik, Adv.
 Mr. Hargovind Thanvi, Adv.
 Ms. S. Banerji, Adv.
 Mr. Prashant Chaudhary, AOR

For Respondent(s) Ms. Meenakshi Arora, Sr. Adv.
 Mr. Abhinav Mukerji, AOR
 Ms. Purnima Krishna, Adv.

Mr. Ajay Kapur, AAG
Mr. Milind Kumar, AOR
Ms. Latika Malhotra, Adv.

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

The appeals are dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(SUSHIL KUMAR RAKHEJA)
AR-CUM-PS

(RAJINDER KAUR)
BRANCH OFFICER

(Signed order is placed on the file.)