
(2002) 09 RAJ CK 0015
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2605 of 2001

Jai Narayan Gehlot

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 10-09-2002

Acts Referred:

Constitution of India, 1950 — Article 226, 311

Citation : (2003) 2 WLN 540

Hon'ble Judges : Sunil Kumar Garg, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sunil Kumar Garg, J.—This writ petition under Article 226 of the Constitution of India has been filed by the petitioner on 2.6.2001 against the respondents with the prayer that by an appropriate writ, order or direction, the impugned order dated 19.6.2000 (Annex. 3) passed by the respondent No. 1 Principal Chief Conservator of Forests, Rajasthan, Jaipur by which under Rule 53(1) of the Rajasthan Civil Services (Pension) Rules, 1996 (hereinafter referred to as "the Ruels of 1996"), the petitioner was compulsorily retired from service in public interest with effect from the date of receipt of that order, be quashed and set aside.

2. The case of the petitioner as put forward by him in this writ petition is as follows:

The petitioner was initially appointed on the post of LDC on 27.7.1965 and thereafter, he was selected for the post of Forester with effect from 26.5.1971. Thereafter, on 9.1.1987, he was promoted to the post of Deputy Ranger by the order of Chief Conservator of Forests. However, later-on, the post of Deputy Ranger was re-designated as Ranger Gr. II with effect from 1.4.1998 and, therefore, the petitioner came to be designated as Ranger Gr. II and he was working as such since then.

The case of the petitioner is that he has discharged his duties since initial appointment to the utmost satisfaction of the authorities and he had carried out the work sincerely. However, in the year 1975, a joint enquiry was held against the petitioner and he was given censure in the said enquiry and except that there was no such adverse remarks ever recorded in his service record nor any such adverse remarks were communicated to him.

The further case of the petitioner is that between the period running from 1.4.1988 to 19.6.2000, only in the ACRs of two years i.e. 1993-94 and 1996-97, adverse remarks were made and the same were communicated to him. According to the petitioner, the adverse remarks made in his ACR for the year 1993-94 were communicated to him in the year 1995 and against the said adverse remarks, he made a detailed representation, but the same has not been decided so far and, therefore, even these adverse remarks could not be taken into consideration for passing the impugned order of compulsory retirement against the petitioner.

The further case of the petitioner is that the adverse remarks made in his ACR for the year 1996-97 that he remained absent from office for one day were also communicated to him and against the said adverse remarks, he also filed a representation and according to the petitioner, such adverse remarks cannot be said to be sufficient for passing an order of compulsory retirement against the petitioner.

Thus, it was submitted by the petitioner that there was no adverse material for passing an order of compulsory retirement against him.

The further case of the petitioner is that Rule 53(1) of the Rules of 1996 was amended on 1.12.1999 and in the amended Rule 53(1), the scope of zone of consideration for making compulsory retirement was extended and since the petitioner was compulsorily retired only on account of public interest and other aspects were not considered, therefore, from this point of view also, the impugned order of compulsory retirement passed against the petitioner cannot be sustained.

Apart from this, according to the petitioner, the impugned order Annex. 3 dated 19.6.2000 was passed in violation of the directives given in the Circular dated 21.4.2000 (Annex. 1). Hence, this writ petition with the prayer as stated above.

A reply to the writ petition was filed by the respondents and one of the preliminary objections taken by the respondents was that the impugned order Annex. 3 was passed on 19.6.2000 and the same has been challenged by filing this writ petition on 2.6.2001 and therefore, there was delay, which has not been satisfactorily explained by the petitioner and thus, this writ petition is liable to be dismissed on the ground of delay and laches on the part of the petitioner.

3. Apart from this, it was further submitted by the respondents that the petitioner had been compulsorily retired from service after consideration of his

entire service record under Rule 53(1) of the Rules of 1996. The Internal Screening Committee as well as the Review Committee have considered the entries made in the ACRs/APARs of the petitioner both favourable and adverse and after taking into consideration the entire service record of the petitioner, the Review Committee did not find the petitioner fit to be retained in service and thus, recommended his compulsory retirement and accordingly, on the recommendations of the Review Committee, the Appointing Authority passed the impugned order Annex. 3. Thus, the impugned order of compulsory retirement dated 19.6.2000 (Annex. 3) is perfectly legal and justified in the facts and circumstances of the case.

It was further submitted by the respondents that the impugned order Annex. 3 was passed in view of the procedure prescribed by the Circular Annex. 1 dated 21.4.2000 and not in violation of that Circular.

It was further submitted by the respondents that in the year 1975, a joint enquiry was held against the petitioner and he came to be suspended vide order dated 24.5.1975 after receiving the report of preliminary enquiry, as disciplinary proceedings against him were contemplated in that matter and that suspension order was revoked on 19.11.1977 and he was reinstated. However, in that enquiry he was punished with the punishment of censure by the Disciplinary Authority vide order dated 6.9.1982. This aspect has been admitted by the petitioner himself in para 5 of the writ petition.

It was further submitted by the respondents that adverse entries were made in the ACR of the petitioner for the year 1993-94, a copy of which is marked as Annex. R/1, and the same were communicated to the petitioner vide letter dated 4.1.1995 (Annex. R/2). In para No. 10 of that ACR for the year 1993-94 (Annex. R/1), the integrity of the petitioner was held to be doubtful on the basis of act committed by the petitioner and in para No. 12 of that ACR, it was also stated that the petitioner was habitual of remaining absent from duty without sanction.

4. It was further submitted by the respondents that in the ACR of the petitioner for the year 1996-97 (Annex. R/3), the Reporting Officer found the work of the petitioner as satisfactory, but the Reviewing Officer made an adverse entry in para No. 10 of that ACR that the petitioner was in habit of remaining absent from headquarter and he also made remarks in para No. 2 of Part-III of that ACR that he did not agree with the Reporting Officer and the petitioner may be rated as below average worker. The said adverse entries were communicated to the petitioner vide letter dated 17.10.1997 (Annex. R/4) and against the said adverse entries, the petitioner made a representation and the same was decided vide order dated 21.2.1998 (Annex. R/5) by which the adverse entry regarding habitual of remaining absent from headquarter was kept in tact, but the remarks that the petitioner may be rated as below average worker were expunged. Thus, the adverse remarks made in the ACR of the petitioner for the year 1996-97 regarding habitual of remaining absent from headquarter remained intact. Furthermore, in view of para 4(a) of the Circular dated 21.4.2000 (Annex. 1),

even non-communication of an adverse entry in regard to the doubtful integrity might be taken into consideration by the Screening Committee. Hence, it was prayed that the writ petition filed by the petitioner be dismissed.

5. I have heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondents are gone through the materials available on record.

6. Before proceeding further, for convenience, Rule 53 of the Rules of 1996 as it stood before amendment and after amendment on 1.12.1999 may be quoted here:

Before amendment

Rule 53 Compulsory retirement on completion of 25 years qualifying service.

(1) At any time after a Government servant has completed twenty-five years qualifying service or has attained the age of 50 years, whichever is earlier, he may be required by the appointing authority to retire in the public interest, and in the case of such retirement, the Government servant shall be entitled to a retiring pension.

(2) In such a case, the appointing authority shall give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

(3) The appointing authority may publish the order of such retirement in Rajasthan Rajpatra, and the Government servant shall be deemed to have retired on such publication, if he has not been served with the retirement order earlier.

EXPLANATION.--For the purpose of this rule, the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

After amendment

Rule 53. Compulsory retirement on completion of 15 years qualifying service.

(1) At any time, after a Government Servant has completed 15 years qualifying service or has attained the age of 50 years, whichever is earlier, the appointing authority, upon having been satisfied that the concerned Government servant has on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties, has lost his utility, may require the concerned Government servant to retire in public interest. In case of such retirement, the Government servant shall be entitled to retiring pension.

(2) In such a case, the appointing authority shall give a notice in writing to a government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in

lieu of such notice.

(3) The appointing authority may publish the order of such retirement in Rajasthan Rajpatra, and the Government servant shall be deemed to have retired on such publication, if he has not been served with the retirement order earlier.

EXPLANATION.--For the purpose of this rule, the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

7. The case of the learned Counsel for the petitioner is that prior to amendment of Rule 53(1) of the Rules of 1996, when the order of compulsory retirement was passed against the Government servant, the Appointing Authority used to take into consideration the only aspect of public interest, but now after amendment of Rule 53(1) of the Rules of 1996 with effect from 1.12.1999, for forming an opinion with regard to compulsory retirement of a Government servant in public interest, the Appointing Authority was required to consider or see whether the concerned Government Servant on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties or inefficiency in due performance of official duties, has lost his utility. In the present case, only two adverse remarks made in his ACRs for the years 1993-94 and 1996-97 were communicated to the petitioner, out of which, against the adverse entries made in his ACR for the year 1993-94, his representation is still pending and so far as the second adverse remarks made in his ACR for the year 1996-97 are concerned, out of two adverse remarks, one had already been expunged by the competent authority and, therefore, in these circumstances, there was no material on the basis of which any opinion to retire the petitioner compulsorily could be formed, but the respondents had passed the impugned order Annex. 3 dated 19.6.2000 contrary to the materials available on record and, therefore, the same cannot be sustained.

8. On the contrary, the case of the respondents is that the impugned order of compulsory retirement Annex. 3 dated 19.6.2000 was passed in public interest after taking into consideration the entire service records of the petitioner.

9. To appropriate the above contentions, the law laid down by the Hon'ble Supreme Court from time to time with regard to compulsory/premature retirement may be seen.

Compulsory/Premature Retirement

10. The word "Compulsory/Premature Retirement" means when an employee is directed by the employer to retire before the stipulated date of retirement, he is said to be compulsorily retired or (to be terminologically more precise) he suffers premature retirement.

Object of Compulsory/Premature retirement

11. The purpose and object of premature retirement of a Government employee

is to weed out the inefficient, the corrupt, the dishonest or the dead-wood from Government service. In *Tara Singh and Others Vs. State of Rajasthan and Others*, Ray, C.J. summed up the concept in these words:

The right to be in public employment is a right to hold it according to rules. The right to hold is defeasible according to rules. The rules speak of compulsory retirement. There is guidance in the rules as to when such compulsory retirement is made. When persons complete 25 years of service and the efficiency of such persons is impaired and yet it is desirable not to bring any charge of inefficiency or incompetency, the Government passes orders of such compulsory retirement. The Government servant in such a case does not lose the benefits which a Government servant has already earned. These orders of compulsory retirement are made in public interest. This is the safety valve of making such orders so that no arbitrariness or bad faith creeps in.

Compulsory/Premature retirement is not punishment

12. In service law "punishment" has a special meaning. In short, it is penal action taken against an employee (by way of dismissal, removal, reduction in rank, withholding of promotion etc.) for misconduct after holding an enquiry. Punishment normally entails forfeiture of some accrued benefits and invariably casts a stigma on the employee concerned.

13. In *Shyam Lal Vs. The State of Uttar Pradesh and The Union of India (UOI)*, , the Hon''ble Supreme Court explained why premature retirement is not punishment. The Hon''ble Supreme Court gave the following reasons:

(a) Every termination of service was not punishment but only those which were brought about by "remvoal" or "dismissal" for misconduct after enquiry.

(b) There is no "element of charge or imputation in the case of compulsory retirement".

(c) Compulsory retirement has no stigma or implication of misbehaviour of incapacity.

(d) Dismissal or removal is a punishment as it involves loss of benefit already earned and deprives the employee of pension which he has earned-whereas in compulsory retirement there is no such deprivation or loss.

14. In *Shyamlal's case (supra)* the Hon''ble Supreme Court further held that since the compulsory retirement does not amount to dismissal or removal, therefore, it does not attract the provisions of Article 311 of the Constitution of India.

15. In *Baikuntha Nath Das and another Vs. Chief District Medical Officer, Baripada and another*, the Hon''ble Supreme Corut held that an order, of compulsory retirement is not a punishment. It implies no stigma nor any suggestion of misbehaviour.

16. In *State of U.P. and Ors. v. Vijay Kumar Jain* (2002) 3 SCC 641 the Hon''ble Supreme Court held that the order of compulsory retirement is neither punitive nor stigmatic.

Prior opportunity of hearing or representation not necessary

17. The power to prematurely/compulsorily retire an employee can be exercised without giving an opportunity to the employee concerned for making any representation prior to the exercise of that power.

18. The view taken in *Shyamlal's*, case (supra) found its logical extension in *Union of India (UOI) Vs. Col. J.N. Sinha and Another*, when the Hon''ble Supreme Court held that having regard to the provisions of FR 56(j) there was no obligation to comply with the principles of natural justice before making an order of premature retirement. The Hon''ble Supreme Court gave the following reasons as to why there was no duty on the part of the Government to give any opportunity to the petitioner to show cause against such premature retirement:

(a) The power under Rule 56(j) is in terms absolute.

(b) Premature retirement did not involve civil consequences.

(c) Rule 56(j) was not intended to take penal action against the Government servant.

(d) The employee does not lose any of the rights acquired by him before retirement.

(e) Rule 56(j) merely embodies one of the facets of the pleasure doctrine.

19. In the case of *J.N. Sinha*, (supra), the Hon''ble Supreme Court took into consideration the principles laid down in *A.K. Kraipak and Others Vs. Union of India (UOI) and Others*, .

20. In the case of *Baikuntha Nath Das* (supra) the Hon''ble Supreme Court held that the principles of natural justice have no place in the context of an order of compulsory retirement. Since the nature of the function is not quasi-judicial in nature and because the action has to be taken on the subjective satisfaction of the government, there is no room for importing the *audi alteram partem* rule of the natural justice in such a case.

Necessity of speaking order

21. Another question which arises in the context of natural justice is as to whether reasons are required to be given or recorded before making an order of premature retirement.

22. In *Union of India (UOI) and Others Vs. Dulal Dutt*, , the Hon''ble Supreme Court observed that no order of compulsory retirement is required to be a speaking order.

23. The decision in Dulal Dutt's case (supra) rests on Baikuntha Nath Das's, case (supra) where the Hon''ble Supreme Court observed that "principles of natural justice have no place in the context of an order of compulsory retirement".

Formation of opinion with regard to public interest

24. In relation to premature retirement most service rules are modelled on FR 56(j) with the result that the essential precondition for exercise of the power is the formation of the opinion that it is in the public interest to prematurely retire the concerned employee. Formation of such opinion is, therefore, the condition precedent for exercise of the power. Commenting on this aspect in the context of FR 56(j), the Hon''ble Supreme Court in J.N. Sinha's, case (supra) observed:

That power can be exercised subject to the conditions mentioned in the rule, one of which is that the concerned authority must be of the opinion that it is in public interest to do so. If that authority bonafide forms that opinion, the correctness of that opinion cannot be challenged before Courts. It is open to an aggrieved party to contend that the requisite opinion has not been formed or the decision is based on collateral grounds or that it is an arbitrary decision.

25. The formation of the opinion that it was in public interest to prematurely retire an employee must be based on relevant materials, which have reasonable nexus with public interest as understood in the context of the rule relating to premature retirement. If on the basis of the service records the review committee or the authority concerned forms the requisite opinion that the petitioner had ceased to be useful and, therefore, should be retired prematurely then it cannot be contended that the requisite opinion was not formed on the basis of the materials on record.

26. In the case of Baikuntha Nath Das, (supra), the Hon''ble Supreme Court held that an order of compulsory retirement has to be passed by the Government on forming the opinion that it is in the public interest to retire a government servant compulsorily. The order is passed on the subjective satisfaction of the Government. The Government (or the Review Committee, as the case may be) shall have to consider the entire record of service before taking a decision in the matter. The record to be so considered would naturally include the entries in the confidential records/character rolls, both favourable and adverse. The uncommunicated adverse remarks can also be considered.

27. In The State of Punjab Vs. Gurdas Singh, , the Hon''ble Supreme Court held that any adverse entry prior to earning of promotion or crossing of efficiency bar or picking up higher rank is not wiped out and can be taken into consideration while considering the overall performance of the employee during whole of his tenure of service whether it is in public interest to retain him in the service. The whole record of service of the employee will include any uncommunicated adverse entries as well.

28. In *Parbodh Sagar Vs. Punjab State Electricity Board and Others*, , the Hon''ble Supreme Court held that employee's unsatisfactory performance for a fairly long time coupled with his tendency to resort to litigation most of which was unsuccessful rendered him a liability to his employer. It was further held that there cannot be any set of guidelines for proving mala fide. Mere adverting of mala fides is not enough.

29. In the case of *Vijay Kumar Jain (supra)*, the Hon''ble Supreme Court held that order withholding integrity certificate and also awarding a censure entry in itself was sufficient to compulsorily retire the employee.

Overall view from records

30. The Courts will not interfere with the exercise of the power if the opinion has been formed bonafide and on the basis of materials available on record. If however, the opinion, is founded on material which does not justify the formation of such opinion then the exercise of power would be bad and the order for premature retirement has to be struck down. (*Vide H.C. Gargi Vs. State of Haryana*,

31. In the case of *Baikuntha Nath Das (supra)*, the Hon''ble Supreme Court held that 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. Judicial review of the order is open only on grounds of mala fides, arbitrariness and perversity.

32. In *State of U.P. and Another Vs. Bihari Lal*, the Hon''ble Supreme Court observed that the Court has to see whether before the exercise of the power, the authority has taken into consideration the overall record even including some of the adverse remarks, though for technical reasons might be expunged on appeal or revision. What is needed to be looked into is the bona fide decision taken in the public interest to augment efficiency in the public service. In the absence of any mala fide exercise of power or arbitrary exercise of power, a possible different conclusion would not be a ground for interference by the Court/Tribunal in exercise of its judicial review.

33. Thus, on compulsory/premature retirement, it can be said:

(1) That when an employee is directed by the employer to retire before the stipulated date of retirement, he is said to be compulsorily retired or he suffers premature retirement.

(2) That the purpose and object of premature/compulsory retirement of a Government employee is to weed out the inefficient, the corrupt, the dishonest or the dead-wood from Government service.

(3) That the orders of compulsory/premature retirement are made in public interest.

(4) That the Government has the absolute right to retire a Government servant in public interest. This right is intended to be exercised against a Government servant whose efficiency is impaired, but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully efficient but not to such a degree as to warrant his retirement on compassionate allowance. It is not the intention to use this rule as a financial weapon, that is to say, the provision should be used only in the case of Government servants who are considered unfit for retention on personal as opposed to financial grounds.

(5) That in the case of compulsory/premature retirement, the Government servant does not lose the benefits which he has already earned.

(6) That there is no element of charge or imputation in the case of compulsory/premature retirement.

(7) That an order of compulsory retirement is not a punishment. It implies no stigma nor any suggestion of misbehaviour. It is neither punitive nor stigmatic.

(8) That compulsory/premature retirement did not involve civil consequences.

(9) That the compulsory retirement under Rule 53(1) does not attract the provisions of Clause (2) of Article 311 of the Constitution of India because such retirement is not conceived as a penalty but as the exercise of a right reserved to Government of retiring a Government servant after he has served for a certain length of time. Accordingly, the procedure laid down in the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 for formal proceedings against the Government servants before removing them from service is not meant to apply to such cases.

(10) That the power to prematurely/compulsorily retire an employee can be exercised without giving an opportunity to the employee concerned for making any representation prior to the exercise of that power.

(11) That the principles of natural justice have no place in the context of an order of compulsory retirement. There is no duty on the part of the Government to give any opportunity to the Government servant to show cause against such premature retirement. There is no obligation to comply with the principles of natural justice before making an order of premature retirement.

(12) That no order of compulsory/premature retirement is required to be a speaking order.

(13) That an order of compulsory/premature retirement has to be passed by the Government on forming the opinion that it is in the public interest to retire a government servant compulsorily/ prematurely. Opinion of the authority regarding compulsory/ premature retirement is his subjective satisfaction which has to be formed on the basis of entire service record. Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order. Even uncommunicated entries in the confidential record can

also be taken into consideration.

(14) That in order to find out whether any government servant has on account of his indolence or doubtful integrity or incompetence to discharge official duties or inefficiency in due performance of official duties, lost his utility and is to be compulsorily retired in public interest for maintaining an efficient administration, an objective view of overall performance of that government servant has to be taken.

(15) That any adverse entry prior to earning of promotion or crossing of efficiency bar or picking up higher rank is not wiped out and that can be taken into consideration while considering the overall performance of the employee during whole of his tenure of service whether it was in public interest to retain him in the service. The whole record of service of the employee will include any uncommunicated adverse entries as well. The Authority could take into consideration even those adverse remarks, though for technical reasons might be expunged on appeal or revision. It is not necessary that adverse remarks should be communicated or every remark, which may sometimes be categorised as adverse, be communicated.

Judicial Review

34. Having regard to the law declared by the Hon"ble Surpeme Court from time to time, the groudns for judicial review of an order of premature/compulsory retirement are relatively limited. The order of premature/compulsory retirement can be interfered with by the Court on the following grounds though they are not exhaustive:

- (1) The order was made arbitrarily.
- (2) If there has been a contravention of the rules.
- (3) The order is based on irrelevant materials.
- (4) Non-formation of the requisite opinion.
- (5) If there has been non-application of mind.
- (6) The order was made mala fide or in abuse of power.
- (7) If the decision of the competent authority is vitiated by bias.
- (8) If the order is made by way of punishment.
- (9) If the order is made by an authority not competent to do so.
- (10) If the employee concerned is under order of suspension.
- (11) If the order was mala fide or it was based on no evidence or that it was arbitrary, in the sense that no reasonable person would form the requisite opinion on the given material; in short; if it is found to be a perverse order.

(12) If the order was passed for extraneous reasons.

35. In the present case, from perusing the impugned order Annex. 3 dated 19.6.2000, it appears that under Rule 53(1) of the Rules of 1996, the petitioner was compulsorily retired in public interest.

36. From perusing the materials available on record with this writ petition, it further appears that the petitioner was compulsorily retired from service in public interest through impugned order dated 19.6.2000 (Annex. 3), after taking into consideration his entire service record. A joint enquiry was held against the petitioner in the year 1975 and he was suspended on 24.5.1975 and in that enquiry, he was punished with the penalty of censure on 6.9.1982. In the ACR of the petitioner for the year 1993-94, adverse entries were made and the integrity of the petitioner was held to be doubtful and he was found habitual of remaining absent from duty without sanction. Furthermore, in the ACR for the year 1996-97, adverse entries were also made against the petitioner that he was habitual of remaining absent from headquarter. In my considered opinion, these grounds are sufficient for making an order of compulsory retirement against the petitioner, especially when mala fides, arbitrariness and perversity have not been established on the part of the respondents and, therefore, the impugned order Annex. 3 dated 19.6.2000 by which the petitioner was compulsorily retired, is not open to judicial review.

37. So far as the argument that as per amended Rule 53(1) of the Rules of 1996, the other grounds which were found against the petitioner were not mentioned in the impugned order Annex 3 is concerned, it is clarified here that in passing the impugned order of compulsory retirement dated 19.6.2000 Annex. 3, the respondents were not required to give reasons and if the impugned order Annex. 3 was passed by writing the word "public interest", that would be sufficient and that order can not be challenged on the ground that other grounds, which were found against the petitioner, were not mentioned in that order.

38. So far as the decision relied upon by the learned counsel for the petitioner in State of Gujarat Vs. Umedbhai M. Patel, is concerned, it would not be helpful to the petitioner as in that case, order of compulsory retirement was passed for extraneous reasons and in the present case, such reasons are not available.

39. The argument that since the representation filed by petitioner against the adverse remarks made in his ACR for the year 1993-94 is pending and the same has not yet been decided, therefore, adverse remarks made in his ACR for the year 1993-94 cannot be seen, is wholly untenable and liable to be rejected as while making over all assessment, the Authority did not take into consideration the only one entry, but the impugned order Annex. 3 dated 19.6.2000 was passed after taking into consideration the whole service records of the petitioner.

40. For the reasons stated above, there is no merit in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition filed by the petitioner is dismissed. No order as to costs.