
(2022) 07 UK CK 0155
In the Uttarakhand High Court
Case No : Special Appeal No. 164 Of 2022

Kunwar Singh

APPELLANT

Vs

State Of Uttarakhand And Others ??

RESPONDENT

Date of Decision : 21-07-2022

Acts Referred:

Citation : (2022) 07 UK CK 0155

Hon'ble Judges : Coram??Vipin Sanghi, CJ;Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : Punit Kumar, K.N. Joshi

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

Delay Condonation Application (IA/2/2021).

1. The appellant seeks condonation of 22 days' delay in filing the present appeal. For the reasons stated in the affidavit filed in support of the application, and since the same is not fairly opposed by the learned counsel for respondent-State, we allow the same and condone the delay.

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2. The present appeal is directed against the judgment and order dated 29.04.2022 passed by the learned Single Judge in Writ Petition (S/S) No.552 of 2020 preferred by the appellant-writ petitioner. By the impugned judgment, the said writ petition, along with another Writ Petition (S/S) No.375 of 2020 preferred by one Rekha Shrikunj, has been dismissed by the learned Single Judge.

3. The petitioner preferred the said petition to assail his compulsory retirement in exercise of the powers under Rule 56(C) of the Financial Handbook Volume 2, Part II to IV. The compulsory retirement was effected on 14.01.2020 in

pursuance of the report of the Screening Committee dated 13.12.2019. At the relevant time, petitioner was serving as a Stenographer. He was appointed in that capacity on 04.08.1992. The petitioner claimed that on account of his efficient discharge of duties, on 18.4.2019, he was sanctioned a special service benefit by way of monetary remuneration. He was also sanctioned the promotional pay scale and made a permanent employee in the organization of the District Judgeship on 12.07.2016.

4. The respondents opposed the petition by contending that the overall performance of the petitioner was assessed by the Screening Committee. Over the years, the performance of the petitioner had been adversely commented upon on several occasions. The Screening Committee took into account and assessed the conduct and performance of petitioner considering, inter alia, the following four instances:-

5. The decision to compulsory retire an employee upon his attaining the requisite age is an administrative decision taken by the competent authority based on the conduct and performance of the employee. In the present case, the Screening Committee was constituted for this purpose which considered the conduct and performance of several employees including the petitioner. It is not the petitioner's case that any of the members of the Screening Committee had any grudge or mala fides against the petitioner. It is not for this Court to sit in judicial review over an administrative decision taken by the respondent while assessing the petitioner's work and conduct. An employee has no vested right to continue in employment past the age of compulsory retirement. Continuation in service, beyond the said age, is dependent upon the assessment of the work and conduct of the employee which can only be done by the competent authority who has to take work from and deal with the employee on day-to-day basis.

6. For the aforesaid reasons, we do not find any merit in the present appeal and the same is, accordingly, dismissed.

7. Pending application, if any, stands disposed of.