

(2008) 01 GAU CK 0077

In the Gauhati High Court

Case No : Writ Petition (C) No. 244 (SH) of 2007

Pramod Kumar William

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 28-01-2008

Acts Referred:

Assam Rifles Medical Examination (Categorisation and Invalidation) Rules, 1988 — Rule 14, 9
Central Civil Services (Pension) Rules, 1972 — Rule 48, 48(1)
Constitution of India, 1950 — Article 226, 310, 311
Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 — Section 2, 47, 47(1), 47(2)

Citation : (2009) 1 GLT 761

Hon'ble Judges : T. Vaiphei, J

Bench : Single Bench

Advocate : R. Jha, for the Appellant; S.C. Shyam, for the Respondent

Final Decision : Allowed

Judgement

T. Vaiphei, J.—In this writ petition, the Petitioner is questioning the legality of the order/notice dated 7.8.2007 (Annexure-II) under FR 56(j) and Rule 48(1)(b) of the Central Civil Services (Pension) Rules, 1972 issued by the Director General of Assam Rifles (the Respondent No. 2) compulsorily retiring him from service on his attaining the age of fifty-five years.

2. To appreciate the controversy, the undisputed facts on record may be noticed at the very outset. The Petitioner was enrolled as a recruit General Duty in the Assam Regiment on 17.12.1966, was subsequently promoted to Havildar in the year 1987, and was further promoted to Naib Subedar in the year 1997. He was again promoted to the post of Subedar on 1.2.2001; this was the post held by him when the impugned notice was issued. On completion of 30 years of service at the age of 47 years, the service of the Petitioner has been reviewed by the Reviewing Committee in the year 1996. The Review Committee, after reviewing the entire service record of the Petitioner, had recommended the retention of his

service with effect from 17.9.96 till he would attain the age of superannuation. The retirement age of Assam Rifles personal is admittedly 60 years. The recommendation of the Review Committee was approved by the competent authority. The Petitioner was on the date of the impugned notice attached to the EME Branch in the Directorate General, Assam Rifles at Shillong, and was performing the following duties as assigned by the Respondents:

- (i) Handle all types of Tech correspondence related to EME Branch including corres on SAs.
- (ii) Monitoring and compilation of all reports and returns received by EME Branch, answering the queries, updating of information folder etc.
- (iii) Collection and analysis of data as ordered by Col (EME).
- (iv) Maint record of holding and verification of gauges for SAs.
- (v) Maint the record of veh state of all the units of the force.
- (vi) Maint the record of vehs likely to be discarded.
- (vii) Preparation of trial report and insp reports.

3. In terms of Annexure-1 series, the Petitioner was awarded cash award" amounting to Rs. 1,200/- in January 2007 by the Respondent No. 2 in recognition of the "exceptionally meritorious and arduous nature of work performed" by him also a Certificate for Professional Excellence (for his "selfless service, personal example, professional acumen, dedication and devotion to duty") by his Commandant in the year 1999. Though the Petitioner would retire on normal superannuation on 31.12.2008, his tenure is being cut short by the impugned notice. Coming now to the contentions of the Petitioner, it is his case that he cannot be unceremoniously shown the door when he has no adverse remark during his career spanning 41 years, and when his retention in service upto the age of superannuation has been recommended by the Review Committee and accepted by the competent authority. It is also submitted by the Petitioner that the Medical Board never recommended by the compulsory retirement on the ground that he is unfit to be retained in service and that the impugned notice is mala fide and is based on extraneous considerations. The Petitioner, therefore, prays that the impugned notice be quashed and he be allowed to continue in service till 31.12.2008, when he reaches the normal age of superannuation.

4. The writ petition is vehemently opposed by the Respondents by filing their opposite affidavit-in-opposition. They remind this Court of their absolute power to retire the personnel of the Assam Rifles in terms of FR 56(i), on their completion of 30 years of qualifying service or on their attaining the age of 50 years, by giving them notice in writing of not less than three month or three months pay and allowances in lieu of such notice. According to the Respondents, the Petitioner, holding the rank of Subedar in the Motor Vehicle Branch of the

Force, was placed in permanent low medical category by a duly constituted Medical Board and his further retention in service is, therefore, against the interest of the Force and that the recommendation by the Review Committee for his retention in service with effect from 17.12.1996 till the age of 60 years, cannot preclude the competent authority from reviewing his case subsequently. It is pointed out by the answering Respondents that when the impugned notice was issued on 7.8.2007, and when he would be retiring from service on reaching the normal age of superannuation on 31.12.2008, there is a gap of more than a year from the date of such notice, and, as such, the provision of Rule 3(ii) of Clauses 3(iii) of the Office Memorandum dated 15.10.1977 (Annexure-R/3) is not attracted. It is asserted by the Respondents that the retention of the Petitioner was allowed by the Review Board w.e.f. 20.5.2005 subject to up-gradation of the Medical Category to SHAPE-I or AYE in the next Medical Review Board and that the impugned notice has been issued on the recommendation of the Medical Review Board. According to the Respondents, the physical fitness of the Petitioner is of utmost importance to provide leadership to his subordinates, and a group leader must not only be of sound mind but must be of sound health; the Petitioner, who cannot even work properly, cannot reasonably be expected to discharge his duties satisfactorily. It is also asserted by the Respondents that Para Military Forces like Assam Rifles have been exempted from the provision of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 in terms of the Notification dated 10.9.2002 issued by the Central Government under the proviso to Section 47 thereof. The writ petition has been filed by the Petitioner with the mala fide intention of clinging on to his post irrespective of his medical fitness, and the same, being devoid of merits, is liable to be dismissed with cost.

5. The law relating to compulsory retirement has now, without reference to cases, crystalised into definite principles, which could be broadly summarized thus:

(i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.

(ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.

(iii) For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed only after having due regard to the entire service record of the officer.

(iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.

(v) Even uncommunicated entries in the confidential record can also be taken into consideration.

(vi) The order of compulsory retirement cannot be passed as a short out to avoid departmental enquiry when such a course is more desirable.

(vii) Compulsory retirement cannot be imposed as a punitive measure.

6. On careful reading on the affidavit-in-opposition of the Respondent, it is as clear as daylight that there are absolutely no adverse entries in the confidential record of the Petitioner. Nor is it the case of the Respondents that such entries are there in the confidential record of the Petitioner. But the stand taken by the Respondents is rather that the Petitioner is, due to displacement in permanent law medical category, no longer able to discharge his duties satisfactorily. In other words, the Petitioner is taken up to be a dead wood in the Force, and is no longer useful to the Force for the aforesaid reason. Whether the placement of the Petitioner in the "Permanently Low Medical Category" by the Medical Board can be a valid ground for compulsorily retiring him from service is thus the moot point in this case. It is true that principles of natural justice have no place in the context of an order for compulsory retirement and that the order is to be passed on the subjective satisfaction of the competent authority since the power is one of the facets of the doctrine of pleasure incorporated in Article 310 of the Constitution. Nevertheless, this does not mean that judicial scrutiny is excluded altogether. While this Court, in exercise of its jurisdiction under Article 226 of the Constitution, must not examine the matter as an appellate court, it cannot, nevertheless, act as the rubber stamp of the competent authority. This Court will certainly interfere if it is satisfied that the order of compulsory retirement is passed (a) mala fide or (b) that it is based on no material/evidence or (c) that it is arbitrary--in the sense that no reasonable person would form the requisite opinion on the given material; in short, it is found to be a perverse order. It is against the backdrop of the aforesaid legal principles that I propose to examine the validity of the impugned notice/order.

7. It may be recalled that in the year 1996, when the Petitioner had completed 30 years of service at the age of 47 years, his service was reviewed by the Review Committee to consider his retention in service till he would attain the age of normal superannuation i.e. 60 years, and that the Review Committee, after considering his entire service record, had recommended for his retention in service with effect from 17.12.96 till he would attain the age of 60 years. There is no dispute that the recommendation was accepted by the competent authority. It is true that this does not preclude the competent authority from reviewing the case of the Petitioner again at any time thereafter till his superannuation as evident from Clause 3(i) of the said Office Memorandum. Clause 3(ii), however, provides that while the entire service record of an officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding five years or where he has been promoted to a higher post, during that 5 years period, his service in the higher post, has been found satisfactory. Clause 3(iii) is instructive, which further says that no employee should ordinarily be retired on grounds of ineffectiveness,

if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case. To my mind, the expression "from the date of consideration of his case" is significant. Consideration by whom? Obviously, such consideration has to be made by a Review Committee. The Petitioner is admittedly retiring on normal superannuation on 21.12.2008. There is nothing on record to show that a Review Committee was ever constituted to review the case of the Petitioner prior to or at the time of issuing the impugned notice. Therefore, the conclusion is inevitable that the case of the Petitioner was never reviewed on the grounds of ineffectiveness one year before his date of superannuation. Consequently, the impugned notice is apparently hit by Clause 3(iii) of the extant Office Memorandum containing the guidelines for premature retirement of Government servants. That is not all, as will be evident hereafter.

8. The Petitioner was promoted to the post of Subedar on 1.2.2001 i.e. about five years after his service was allowed to be retained till the date of his superannuation. As noticed earlier, there is nothing in the service record including his confidential record to suggest his inefficiency or of the existence of adverse entries against him. On the contrary, as late as on 19.1.2007, he was given cash award of Rs. 1,200/- by no less an official than the Respondent No. 2 himself in recognition of the "exceptionally meritorious and arduous nature of work performed by him" vide Annex-ure-1 to the writ petition. What then promoted the Respondent No. 2 to change his mind within a short period of 8 months to hold that his further retention in the Force was considered to be against the interest of the Force, particularly, when his Commanding Officer admittedly did not recommend him for compulsory retirement? The Review Board Proceeding dated 19.3.2007 (Annexure-R/5 to the counter affidavit) reveals that the Board recommended three names for compulsory retirement, but the Petitioner is not one of them. In fact, the name of the Petitioner, which appeared in Serial No. 4 therein, alongwith 7 other JCOs, were recommended for retention in service subject to upgradation to SHAPE-I or AYE in the Next Medical Review Board. However, the Respondents seemed to rely on the so-called Medical Board Proceeding dated 15.6.2007 of the Commanding Officer in respect of Re-categorisation of all ranks, which recommended that the Petitioner be continued to be placed in medical category P3 (Perm) for 2 years by prescribing light duties. This recommendation cannot by any stretch of imagination be construed as a recommendation for the compulsory retirement of the Petitioner. That apart, which is more important, the case of the Petitioner has, undoubtedly, not been reviewed by the Medical Review Board, for his upgradation to SHAPE-I or AYE.

9. In my opinion, the use of the term "Medical Review Board" for the aforesaid Review Board Proceeding for upgradation of the Petitioner to SHAPE-I and AYE is something of a misnomer. The procedures relating to medical examination of the personal of Assam Rifles are governed by the provisions of the Assam Rifles Medical Examination (Categorisation and Invalidation) Rules, 1988 ("the Rules" for short). A bird's eye view of the aforesaid provisions will plainly show that the

term "Medical Review Board" appears only in Rule 14, which contemplates the constitution of such Board by an appellate authority on receipt of any appeal by a Cadre Officer or personnel, that too, for reviewing the order of the Invalidating Medical Board, and nowhere else. The term "Medical Review Board" referred to by the said Medical Review Proceeding dated 19.3.2007 shall necessarily have to mean a "Medical Board" constituted under Rule 9, which prescribes the procedure for categorization/re-categorization. The provisions of Rule 9 are reproduced as under:

9. Medical Board for Categorisation of Cadre Officer:

(1) A Medical Board for categorisation of Cadre Officers shall be convened when a Cadre Officer is considered unfit to be in Category SHAPE-I or when he is to be ungraded from a lower medical category. Whenever a convening authority is of the opinion that a cadre officer under his command is unit to perform his duties in Category SHAPE-I or being in a low medical category has improved and his category required upgrading, he shall after consultation with the Regimental Medical Officer or Senior Medical Officer, as the case may be, refer the person to the nearest Medical Officer hospital or service hospital and based on the specialist's opinion, a categorisation medical Board shall be convened. When a cadre officer is placed in a Classification lower than SHAPE-I (whether temporary or permanent), he shall appear before a medical board for re-classification after the specified period of temporary category or after 2 years if he is placed in a permanent low medical classification, (emphasis added). Cadre Officer will not have any action (option?) for review of their permanent or temporary earlier than the period specified.

(emphasis added)

(2) The convening authority of the medical board, its composition and approving authority for the purpose of sub-para (1) above shall be as under:

(a) Convening authority

(i) Cadre Officer serving in Battalions, Training Centre and Ranges--Deputy Inspector General

(ii) Cadre Officers serving in Zonal Inspector General HQ--Inspector General.

(iii) Cadre Officers serving with Directorate General or Battalions directly placed under the Directorate General and those on Deputation--Deputy Director General

(b) Composition of Medical Board

Presiding Officer--Regimental Medical Officer/Senior Medical Officer

Members--Two Medical Officers

(c) The proceedings of the Board proceedings shall be the Director General.

(3) The proceeding of the medical categorisation shall be recorded in the form

set out in Appendix-IV.

(4) The proceedings of the Medical recategorisation shall be recorded in the form set out in Appendix-IV.

10. A perusal of Appendix-IV will indicate that any recategorisation by the Medical Board shall have to be duly signed by (i) the President of the Board and (ii) two Members of the Board. It will also be instructive to notice the special instructions for Medical Boards/RMOs regarding categorization of JCOs/OR, the relevant portions whereof are extracted a under:

(a) The medical category of an individual can be downgraded only by a duly constituted medical board.

(emphasis added).

However, in the case of individuals placed in temporary low medical categories, upgradation of category or continuation of award of the existing low medical category, either on a temporary or a permanent basis, can be done by the officer-in-medical charge of troops, without constituting medical board.

(b) * * * * (C) * * * * (d) Persons placed in temporary low medical categories will be reviewed by RMO on expiry of the period for which temporary category was awarded and shall take all actions for holding review medical board. Persons placed in permanent low medical categories will appear (emphasis added) before Medical Board medical boards every two years (emphasis added) for review/recategorisation. However, if the officer-in-charge of troops (medical) feels at any time that the existing permanent low medical category (emphasis added) of an individual needs further downgradation, he will arrange to bring him before a medical board immediately, irrespective of the time completed by the individual in the existing medical category.

11. In the instant case, the Petitioner is, undoubtedly, placed in a low medical category. Secondly, the Review Board proceedings held on 19.3.2007 vide Annexure-R/5, however, did not recommend the compulsory retirement of the Petitioner, among Ors. , but merely remarked that the recommendation for their retention in service was subject to upgradation to SHAPE-I or AYE in the next Medical Review Board, which, as noticed earlier, can only mean a Medical Board for recategorisation. I am not oblivious of the fact that we are not here concerned with invalidation of a cadre officer/ personnel and, that the material necessary for the competent authority to form an opinion that a cadre officer/ personnel is medically unfit to be retained in service are substantially different from any, are, therefore, necessarily more comprehensive and subjective than the medical required for such invalidation. A conjoint reading of the provisions of Rule 9 of the Rules and the Special Instructions for recategorisation extracted earlier will unmistakably show that (i) a cadre officer placed in a permanent low medical category can be recategorised/reclassified only after two years of his categorisation therefore; (ii) the medical category of an individual can be

downgraded only by a duly constituted Medical Board, but in the case of an individual placed in temporary low medical category (as against permanent low medical category), the Officer-in-Medical Charge of Troops has the competence to upgrade or continue to award the existing low medical category, either for temporary or permanent, without constituting a Medical Board; (iii) persons placed in permanent low medical category will, for the purpose of recategorisation, appear before a Medical Board every two years, but it shall be open to such Officer-in-Medical Charge of Troops to bring, at any time earlier, the existing permanent low Medical category before a medical Board immediately for further downgradation and (iv) such categorization shall have to be done only by a Medical Board comprising of the President of the Board and two Members.

12. On reading and re-reading of the Review Board Proceeding dated 19.3.2007 (Annexure-R/5) and the Medical Proceeding dated 15.6.2007 (Annexure-R/2), upon which heavy reliance is placed by the Respondent, in juxtaposition, the conclusion is inescapable that the medical review contemplated in the said proceeding dated 19.3.2007 has never been done by a duly constituted Medical Board. The Petitioner was indeed placed in a permanent low medical category and, can be, in terms of the aforesaid related rules, subjected to recategorisation only two years after the date of his classification i.e. two years after 19.3.2007 and, that too, only by a duly constituted Medical Board. This is obviously not done. True, before the expiry of two years also, as per Special Instruction (d) noted earlier, the Officer-in-Medical Charge of Troops can also bring the Petitioner before a duly constituted Medical Board for further downgradation, if the situation so demands. Annexure-R/2, though purportedly prepared in accordance with Appendix-IV to the Rules, is not really so, and the same is indeed prepared by the Commanding Officer alone. Moreover, Annexure-R/2 does not and cannot have the effect of downgrading the existing category of the Petitioner; if merely recommended light duties or duties of sedentary nature. Thus, the Respondents are apparently economical with the truth in asserting that the Petitioner has been recommended by the Medical Board for his compulsory retirement from service. It is hoped that such misleading statement, bordering on perjury, is not made by them hereafter. Having said that, the next question which still calls for examination is as to whether the Respondent No. 2 can, even in the absence of the recommendation of compulsory retirement by the Medical Board, independently form an opinion that the Petitioner, having been placed in a permanent low Medical category, is unfit to be retained in service? In my judgment, the answer must be in the affirmative subject, however, to the condition that the nature of the illness of the Petitioner is, based on evidence, interfering with the normal discharge of duties assigned to him.

13. At this stage, it will be appropriate to remind myself that the role of a writ court is only a secondary role, while the primary role is assigned by Parliament to the Respondent No. 2 to decide whether the Petitioner is fit to be retained in service. This Court can interfere with the impugned notice only if the same is found to be perverse, being based on no material or is arbitrary--in the sense

that no reasonable person would form the requisite opinion on the given set of facts. For example, if there are two possible views on a matter, this Court cannot interfere with the view taken by the competent authority on the ground that the other view is a better view. In other words, this Court cannot substitute its opinion for the opinion of the Respondent No. 2. Even at the risk of repetition, I am tempted to quote the observations of the Apex Court on the scope of judicial review in the celebrated case of *Tata Cellular Vs. Union of India*, which are in the following terms:

77. The duty of the court is to confine itself to the question legality. Its concern should be:

1. Whether a decision-making authority exceeded its power?
2. Committed an error of law.
3. Committed a breach of rules of natural justice.
4. Reached a decision which no reasonable tribunal would have reached or,
5. Abused its power.

Therefore, it is not for the court to determine whether a particular policy or decision taken in fulfillment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

(i) **Illegality:** This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.

(ii) **Irrationality, namely, Wednesbury reasonableness.**

(iii) **Procedural impropriety.**

14. In the case before me, I have found that the stand taken by the Respondents that the Medical Board, having placed the Petitioner in permanent low medical category, recommended his premature retirement under FR 56(j) or Rule 48 of the Central Civil Services (Pension) Rules, 1972, is misleading; the so-called recategorisation undertaken by the Commanding Officer at Annexure-R/2 is no recategorisation at all in the eye of law, being contrary to Rule 9 of the Rules read with the related Special Instruction (d) and that there is no material in his service record including his confidential reports to suggest his inefficiency. I have also taken the view that even if a Medical Board did not recommend the retention of the Petitioner in service, the Respondent No. 2, as the repository of power, is not precluded from issuing the impugned notice once he, based on material, finds that his illness is such that it affects his efficient discharge of his duties. In other words, the Respondent No. 2 must be given fair play to decide whether or not the Petitioner, who has been placed as permanent low medical

category but who is not recommended by a Medical Board for compulsory retirement, can effectively discharge the duties for which he has been engaged. I have earlier reproduced in extensor the particular duties assigned to him by the Respondents (a fact not disputed by the Respondents). I have also noted that the Petitioner was granted cash award of Rs. 1,200/- by the Respondent No. 2 as late as 19.1.2007 (Annexure-1) in recognition of the "exceptionally meritorious and arduous nature of work performed" by him. Yet within a few months thereafter, he was found so unfit as to deserve compulsory retirement. On the pleadings of the Respondents and the documents annexed thereto, there is absolutely no material to show that suddenly there was such deterioration in the quality of the Petitioner's work warranting his compulsory retirement. The observation of the Respondents that a uniform personnel like the Petitioner "who even cannot walk properly cannot be reasonably be expected to discharge his duties satisfactorily" is merely their ipse dixit and cannot be accepted. As already noticed, the duties assigned to the Petitioner are light duties or duties of sedentary nature, for which the ability to walk properly can hardly be required.

15. In my judgment, the decision of the Apex Court in *Swami Saran Saksena Vs. State of Uttar Pradesh*, has a bearing on this case. The facts of Saksena's case (supra) are that the Appellant was appointed by the Government of Uttar Pradesh in November, 1954 as a temporary judicial officer. His services came to be terminated after about 8 years of tenure, but was subsequently restored on his representation. After about 4 years of his reinstatement, her services were again terminated, but the termination was quashed by the Allahabad High Court on 8.8.1969. At the same time, he was not confirmed to the post though he had already put in 15 years of service. In June 1973, he was however allowed to cross the second efficiency bar. But on August 2, 1974, the State Government made an order compulsorily retiring him from service on his attaining the age of 50 years. At that time, the Appellant had reached the age of 54 years. It was recited in the order that the Governor, on being satisfied that it was not in public interest to retain the Appellant, who was described as a temporary judicial officer, required him to retire from service with immediate effect with three months pay in lieu of notice. The order was assailed by the Appellant by a writ petition. The learned single Judge quashed the order and declared that the Appellant continued to remain in service. The State of UP preferred an appeal, and a Division Bench of the High Court allowed the appeal and dismissed the writ petition. The Appellant thereupon approached the Apex Court by special leave. The Apex Court observed that although, for the purpose of crossing the second efficiency bar, the Appellant was considered to have worked with distinct ability and with integrity beyond question, yet within a few months thereafter he was found so unfit as to deserve compulsory retirement. The Apex Court further observed that the entries in the records pertaining to the Appellant need to be examined and appraised in that context, and that there is no evidence to show that suddenly there was such deterioration in the quality of the Appellant's work or integrity that he deserved to be compulsorily retired. The order of compulsory

retirement was accordingly quashed. Though the aforesaid decision was rendered in the context of a civilian employee, in my opinion, the underlying legal principles therein will be equally applicable to the personal of the Assam Rifles.

16. In so far as the contention of the Respondents that the Notification dated 10.9.2002 issued by the Central Government under the proviso to Section 47(2) of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 fully protects the impugned order of compulsory retirement, is concerned, the Respondents have completely overlooked the glaring fact that we are in this case concerned with the legality of the manner in which the impugned notice has been issued. This is evidently not a case in which the services of the Petitioner are sought to be dispensed with, or reduced in rank for acquiring disability during his service. The Petitioner does not acquire any disability within the meaning of Section 2(i) of the Act. All that the proviso to Section 47(2) of the said Act says that a notification issued thereunder will exempt the notified establishment from the operation of Section 47(1). Undoubtedly, by virtue of the notification dated 10.9.2002, the Assam Rifles has been exempted from the operation of Section 47(1). However, the instant case is not one in which the Petitioner is sought to be removed from service on the ground of disability. He is sought to be removed from service by way of compulsory retirement by invoking FR 56(j) or Rule 48 of the Central Civil Services (Pension) Rules, 1972. Consequently, the compulsory retirement of the Petitioner shall have to conform to, and must satisfy, the procedures laid down by such law, and cannot be judged from the touchstone of other laws. In this view of the matter, I am unable to understand as to how the provisions of Persons with Disabilities Act, 1996 can be of any assistance to the Respondent-authorities.

17. The result of the foregoing discussion is that this writ petition succeeds, and is accordingly allowed. The impugned notice/order No. 1.31019/2007/Adm-III dated 7.8.2007 issued by the Director General of Assam Rifles be and is hereby quashed. The interim order passed from time to time is accordingly made absolute. The Respondent-authorities are directed to allow the Petitioner to continue to remain in service with all service benefits admissible under the rules till he attains the age of 60 years/normal age of superannuation. However, the parties are directed to bear their respective costs.