

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 2248 OF 2009

BRIJESHWARI PRASAD MATHUR ... Appellant(s)

Versus

STATE OF U.P. AND ANR. ... Respondent(s)

O R D E R

This appeal arises out of an Order dated 25.09.2006 passed by the Division Bench of the High Court of Judicature at Allahabad whereby CMWP No. 55071 of 2005 filed by the appellant against an order directing his compulsory retirement from service has been dismissed.

We have heard learned counsel for the parties at considerable length who have taken us through the relevant record including the orders passed by the High Court from time to time on the ACRs of the appellant and the disciplinary proceedings initiated against him. We have also been taken through the order passed by the Division Bench of the High Court in the writ petition wherein the compulsory retirement of the appellant was questioned. We are, however, of the view that the order directing compulsory retirement of the appellant from service does not appear to us to be arbitrary given the fact that the appellant has several blemishes to his career as a judicial officer to which the High Court

has referred in the impugned order. An order passed by the competent authority directing compulsory retirement of an officer from service on the ground that he is either unproductive dead wood or that his continuance in service is not in public interest because of doubtful integrity can be successfully assaulted only if it is found that the authority concerned has taken into consideration material that was inadmissible or ignored that which was admissible or that the order is incompetent, malafide or arbitrary. We do not see any such infirmity in the order passed by the High Court by which the appellant was compulsorily retired from service. We also see no reason to take a view different from the one taken by the High Court on the judicial side where it has critically examined the issues raised in the writ petition and held that the grounds of challenge did not hold water. In that view therefore, this appeal has no merit and is hereby dismissed but in the circumstances of the case without any orders as to costs.

.....CJI.
(T.S.THAKUR)

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

.....J.
(R.BANUMATHI)

ITEM NO.104

COURT NO.1

SECTION XI

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). 2248/2009

BRIJESHWARI PRASAD MATHUR

Appellant(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(with appln. (s) for early hearing and office report)

Date : 07/01/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Abhinav Ramkrishna, Adv.
 Mr. Pashupathi Nath Razdan, Adv.

For Respondent(s) Mr. Jagjit Singh Chhabra, Adv.
 Mr. Yashvardhan, Adv.
 Mr. Piyush Singh, Adv.

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

The appeal is dismissed in terms of the signed order.

(Shashi Sareen)
AR-cum-PS

(Saroj Saini)
Court Master

(Signed order is placed on the file)