

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7697 OF 2014

HIGH COURT OF JUDICATURE FOR RAJASTHAN

Appellant(s)

VERSUS

BHANWAR LAL LAMROR & ORS.

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Respondent no.1 (Bhanwar Lal Lamror) was compulsorily retired from Rajasthan Higher Judicial Services upon attaining the age of 50 years vide order dated 31.03.2010. The order was passed on the basis of recommendation made by the Administrative Committee which commended to the Full Court of the High Court.

Amongst other facts, it has been noted that from the year 1988, respondent no.1 till 1997 was continuously assessed as an average officer for almost 9 years. During this period, in the year 1990, Hon'ble the Chief Justice of the High Court had observed that respondent no.1 was a bad officer. It was also noted that he had submitted false statistics about his disposal and his

representation with regard to those notings had been rejected. Even for the subsequent period, the officer was intermittently graded as an average officer. More importantly, a disciplinary enquiry on the allegation of taking bribe for delivering judgment was pending against him. Administrative Committee Report mentions that several complaints had been received about the conduct of respondent no.1, including allegations of taking bribe, acquiring movable and immovable property by corrupt activities etc.

In this backdrop, the Administrative Committee recommended compulsory retirement of respondent no.1, and in view of the same, dropping of disciplinary enquiry pending against him regarding allegations of breach of integrity.

The order passed on 31.03.2010 was made subject matter of challenge before the High Court by way of D.B. Writ Petition (C) No. 783 of 2011 filed in the High Court at Jaipur.

The Division Bench adverted to relevant aspects of the matter, but concluded that it was unable to reconcile the facts on record, and as the performance of respondent no.1 was not unsatisfactory, it did not warrant premature

retirement from service. The impugned decision was, therefore, arbitrary.

On this finding, the High Court allowed the writ petition and was pleased to set aside the order of compulsory retirement, and consequently directed the reinstatement of respondent no.1 in service with all consequential benefits. That decision of the High Court is subject matter of the present appeal.

We have heard learned counsel for the parties.

The moot question is whether it was open to the High Court to substitute its view for the one recorded by the Administrative Committee, which commended to the Full Court of the High Court, pursuant to which the order of compulsory retirement came to be issued.

Indeed, the High Court on judicial side could have done so, if it found that there was absolutely no record or material whatsoever as referred to in the recommendations made by the Administrative Committee, or that the Committee relied on irrelevant material, or that apposite material was overlooked and discarded. Further, the High Court's view would have been acceptable if it found patent illegality, breach of procedure causing prejudice to respondent no.1, or imposition of a gravely

disproportionate measure. We notice that the Administrative Committee, in its Report, had adverted to the entire service record, including the pending disciplinary enquiry regarding integrity of respondent no.1.

It is settled position in law that the competent authority is supposed to consider the entire service record of the judicial officer and even if there is a solitary remark of lack and breach of integrity, that may be sufficient for a Judicial Officer to be compulsory retired as expounded in Tarak Singh Vs. Jyoti Basu reported in (2005) 1 SCC 201.

The High Court took notice of this judgment, but still ventured to examine the entire record by itself, overlooking the thorough examination conducted by the Administrative Committee, which was affirmed and commended to the Full Court. It was not open to the High Court to substitute its own view for the satisfaction arrived at by the Full Court of the High Court regarding the necessity or otherwise of the respondent no.1 continuing in the Rajasthan Higher Judicial Services. It was also not open to the High Court to re-write the annual confidential reports by taking over the role of

inspecting or confirming authority.

Suffice it to note that the disciplinary enquiry was pending against respondent no.1 which raised questions about his integrity. Past service record of respondent no. 1 was found to be sub-par and short of the exacting standard expected from a judicial officer.

It is also noticed from the record that the disciplinary enquiry came to be dropped in lieu of compulsory retirement of respondent no.1. That was a composite recommendation made by the Administrative Committee and commended to the Full Court of the High Court. The two being inseparable, and the solitary remark about integrity with the service record being sufficient in law to proceed against the judicial officer, we fail to comprehend as to how the conclusion reached by the competent authority can be said to be arbitrary or manifestly wrong.

Accordingly, this appeal ought to succeed and resultantly, we set aside the impugned judgment and order passed by the High Court.

The writ petition filed by respondent no.1 challenging the compulsory retirement stands dismissed.

The appeal is allowed in the above terms. No order as to costs.

Pending applications, if any, stand disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(SANJIV KHANNA)

NEW DELHI;
August 24, 2021.

ITEM NO.102

Court 3 (Video Conferencing)

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). 7697/2014

HIGH COURT OF JUDICATURE FOR RAJASTHAN

Appellant(s)

VERSUS

BHANWAR LAL LAMROR & ORS.

Respondent(s)

Date : 24-08-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s)

Mrs. Meenakshi Arora, Sr. Adv.
Mr. Abhinav Mukerji, AOR
Ms. Pratishtha Vij, Adv.
Mrs. Bihu Sharma, Adv.
Mr. Akshay C. Shrivastava, Adv.

For Respondent(s)

Mr. Abhishek Singh, AOR
Mr. Shreshth Arya, Adv.

Mr. Milind Kumar, AOR

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

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]