2026:AHC-LKO:81258-DB

A.F.R.
Reserved on : 12.08.2026
Delivered on: 12.11.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 4050 of 2022

Praveen Sonkar

…..Petitioner(s)

Versus

State of U.P. Thru. Addl. Chief Secy. Deptt. of Appointment Govt. of U.P. Civil Secrt. Lko. and Anr

…..Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Singh, Adarsh Srivastava, Vikas Singh
Counsel for Respondent(s)	:	C.S.C., Gaurav Mehrotra, Shishir Jain

Court No. - 5

HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.

(Delivered by Hon'ble Amitabh Kumar Rai, J.)

1. Heard Shri Dhruv Mathur, learned Senior Advocate assisted by Shri Adarsh Srivastava, learned counsel for the petitioner and learned Standing Counsel representing the State-respondent No.1 as well as Shri Shishir Jain, learned counsel appearing on behalf of the respondent No.2- High Court.

2. The instant writ petition has been filed challenging the order dated 29.11.2021 passed by the respondent no.1, compulsorily retiring the petitioner from service along with the order dated 26.11.2021 passed by this court recommending the compulsory retirement of the petitioner from the services.

3. The brief facts, as averred in the writ petition, are that the petitioner was appointed as Civil Judge, Junior Division and was posted as Additional Civil Judge, Junior Division, Lakhimpur Kheri in the year 2006 and was promoted to Higher Judicial Services in the year 2019 and was posted as Additional District and Sessions Judge (Fast Track Court), Hamirpur vide the notification dated 06.08.2019 passed by the Government of Uttar Pradesh. Throughout his tenure, the petitioner served at various districts throughout the state of Uttar Pradesh in various judicial capacity; until he was compulsorily retired from his services vide the order dated 29.11.2021 passed by the Respondent no.1/ Government of Uttar Pradesh.

4. Shri Dhruv Mathur, learned Senior Advocate while assailing the impugned order of compulsory retirement has raised the following arguments in the writ petition before us :

(I) The order dated 26.11.2021 by means of which the petitioner has been compulsorily retired from service, has been passed in lieu of the three departmental proceedings pending against him. It is contended that the order of compulsory retirement has been passed with a view to cutting short the departmental enquiries pending against the petitioner and is, therefore, punitive in nature. Accordingly, the impugned order cannot be said to have been passed in public interest.

(II) Learned counsel for the petitioner further submits that the recommendations dated 11.06.2020 and 15.06.2020 made by the Screening Committee of this Court are intrinsically punitive and stigmatic in nature, as they cast aspersions on the character and integrity of the petitioner. It is, therefore, contended that such recommendations cannot form the basis for compulsorily retiring the petitioner under the provisions of Fundamental Rule 56(c), as applicable in the State of Uttar Pradesh.

(III) Learned counsel for the petitioner next submits that the petitioner was promoted to the cadre of Higher Judicial Services vide order dated 06.08.2019 on the basis of the criterion of seniority-cum-merit, despite the four complaints dated 27.07.2018, 27.07.2018, 31.07.2018 and 22.09.2018 already being in existence. It is contended that the petitioner's promotion during the pendency of the said complaints demonstrates that he was found suitable for promotion notwithstanding their pendency, and that the said complaints did not cast any doubt on his integrity. It is further submitted that the petitioner was considered suitable for promotion by the same authority which subsequently recommended his compulsory retirement.

(IV) Learned counsel for the petitioner further submits that the petitioner had no adverse entries throughout his service record. It is pointed out that despite the fact that the then District Judge, Amroha had forwarded four complaints against the petitioner to this Court within a short span of approximately two months, between 10.08.2018 and 22.09.2018, the ACR entries during the petitioner’s tenure at Amroha described the petitioner's conduct as "Beyond Doubt" and assessed him as "Very Good". On the basis of the aforesaid submissions, learned counsel contends that the impugned order of compulsory retirement is perverse and vitiated by mala fides.

(V) Learned counsel for the petitioner further submits that the fourth complaint, made by a lady judicial officer against the petitioner, was subsequently referred to the Internal Complaints Committee of this Court, which, upon being satisfied with the reply submitted by the petitioner and finding no fault on his part, decided to close the proceedings against him. It has been further submitted that the Screening Committee had taken the very same complaint into consideration while recommending the petitioner's compulsory retirement. Therefore, it is contended that

the subsequent exoneration of the petitioner vitiates the satisfaction arrived at by the Screening Committee.

5. In support of the aforesaid submissions, Shri Dhruv Mathur, learned Senior Advocate on behalf of the petitioner has placed reliance on the judgment of the Apex court in the case of **State of Gujarat v. Umedbhai M. Patel : (2001) 3 SCC 314** and has submitted that the Hon'ble Apex court in the case of **Umedbhai (supra)** has laid down that the order of compulsorily retirement should not be passed during the pendency of departmental enquiry; and merely on allegations of misconduct, which had not been enquired and proved; and in the absence of adverse entries in the service record to support the order of compulsory retirement, the same should be rendered as unsustainable.

6. Further reliance has been placed by learned counsel for the petitioner on the judgment of the Hon'ble Apex Court in **State of Gujarat v. Suryakant Chunilal Shah, (1999) 1 SCC 529**. It has been submitted that the Hon'ble Apex Court, in the said judgment, has held that the efficiency and honesty of an officer must be assessed on the basis of the material available on record, of which confidential reports constitute an important input. It has further been held that the mere pendency of cases against an officer, by itself, cannot constitute sufficient ground for passing an order of compulsory retirement.

7. Learned counsel for the petitioner has also placed reliance on the judgment of the Hon'ble Apex Court in **Nand Kumar Verma v. State of Jharkhand, (2012) 3 SCC 580**. It has been submitted that, in the said case, the Hon'ble Apex Court held the order of compulsory retirement to be unsustainable on the ground that the same had been passed by selectively relying upon the adverse entries against the petitioner while ignoring the totality of his service record.

8. In order to support his argument that the order of compulsory retirement is stigmatic and punitive in nature, the learned counsel for the petitioner has relied upon the judgment of the Hon'ble Apex Court in the case **Allahabad Bank Officers' Assn. v. Allahabad Bank, (1996) 4 SCC 504**.

9. To buttress the argument that an order of compulsory retirement cannot be passed to circumvent the disciplinary proceedings, reliance has been placed on the recent judgment of the Hon'ble Apex court in the case of **Pramod Kumar Bajaj v. Union of India, (2023) 11 SCC 466.**

10. Per contra, Shri Shishir Jain learned counsel on behalf of Respondent No.2 has submitted that the order of compulsory retirement has been passed in accordance with law and does not suffer from any kind of perversity or malafide. The learned counsel for the respondent no.2 has raised the following points in his oral arguments, the Counter Affidavits and the Written Submissions filed before this court-

(I) Learned counsel for respondent no. 2 submits that the case of the petitioner for compulsory retirement was considered at three stages, firstly, by the Screening Committee, secondly, by the Administrative Committee and finally, by the Full Court of this Court. It is further submitted that the entire service record of the petitioner was considered before arriving at the conclusion that he had outlived his utility and that his further continuance in service was no longer in public interest.

(II) Learned counsel for respondent no. 2 further submits that, in the case of compulsory retirement of a judicial officer, there is no requirement to conduct a departmental enquiry or to bring the same to its logical conclusion. It is submitted that an order of compulsory retirement, particularly in the case of a judicial officer, is neither punitive in nature nor does it entail any civil consequences.

(III) Refuting the submission of learned counsel for the petitioner that the promotion of the petitioner to the Higher Judicial Services, despite the pendency of four complaints against him, demonstrates that the said complaints did not cast any doubt on his integrity, learned counsel for respondent no. 2 submits that the petitioner's promotion has no bearing on the assessment of his suitability for retention in service or his compulsory retirement. To further buttress his argument, it has also been submitted that the "washed off" theory is not applicable in the cases of compulsory retirement.

(IV) Rebutting the argument of the learned counsel for the petitioner that the impugned order is punitive and stigmatic in nature, the learned counsel for respondent no. 2 submits that it is a well-settled position of law that an order of compulsory retirement passed under Fundamental Rule 56(c) is neither stigmatic nor punitive in nature. It is, therefore, submitted that the contention raised on behalf of the petitioner is misconceived.

(V) Countering the submission of learned counsel for the petitioner that the impugned order was passed to cut short the departmental enquiries pending against him, learned counsel for respondent no. 2 submits that the departmental enquiries were concluded during the pendency of the present writ petition. It is further submitted that the enquiry reports were placed before the Administrative Committee of this Court in its meeting held on 27.11.2024; however, the Administrative Committee resolved to defer consideration of the matter in view of the fact that the petitioner had already been compulsorily retired pursuant to the impugned order and had filed the present writ petition challenging the same.

(VI) Lastly, learned counsel for respondent no. 2 submits that the petitioner has not challenged the recommendation of the Screening Committee, the resolution of the Administrative Committee or the decision of the Full Court of this Court

recommending his compulsory retirement. Instead, the petitioner has challenged only the consequential order dated 29.11.2021 passed by the Government of Uttar Pradesh on the basis of the decision/recommendation of the Full Court. It is, therefore, submitted that in the absence of any challenge to the substantive decision forming the basis of the impugned order, the present writ petition challenging only the consequential order is not maintainable.

11. In support of the aforesaid submissions, Shri Shishir Jain, learned counsel for the respondent no.2 has placed reliance on various authorities of the Hon'ble Apex Court and this court, i.e. *Ram Murti Yadav v State of Uttar Pradesh and others (2020) 1 SCC 801 (Para 6,9,10,12, 14and 15), Pyare Mohan Lal v. State of Jharkhand and others (2010) 10 SCC 694 (Para 5,8, 22 to 29), Arun Kumar Gupta v. State of Jharkhand and others (2020) 13 SCC 355 (Para 5 to 19, 24 and 25), Government of Maharashtra v. Deokar's Distillery (2003) 5 SCC 669 (Para 38) and Amarjeet Singh and others v. Devi Ratan Singh (2010) 1 SCC 417 (Para 28 to 30).*

12. We have given our thoughtful consideration to the submissions advanced at the Bar and have carefully examined the impugned orders as well as the material available on record. Before adverting to the rival contentions advanced by learned counsel for the parties, it would be appropriate to delve into the concept of compulsory retirement and trace its historical background.

13. Sometimes, compulsory retirement is also called premature retirement and is a form of cessation of employment when the employer finds that the continuance of an employee may not be desirable in the interest of the department while at the same time, the employer does not intend to cause any penal effect on the employee concerned. In some statutory rules, it has also been included as one of the punishments, but in the State of U.P., it is

not a punishment under Fundamental Rule 56 and can be resorted to only when the appointing authority forms an opinion that it is in the public interest.

14. The concept of compulsory retirement can be traced to Resolution No.1085-E-A dated 15.11.1919 published in the Gazette of India, Finance Department with the approval of the Secretary of State for India by which a new set of rules relating to the retirement and pension of officers, other than military officers or members of the Indian Civil Service was published. Rule 4 provided that the Government would have an absolute right to retire any officer after he had completed 25 years of service without assigning any reason and without any claim of compensation in addition to pension. The aforesaid provision was inserted in the Civil Services Regulations (hereinafter referred to as the "CSR") vide Gazette notification dated 19.06.1920 by inserting Articles 465 and 465-A in the CSR.

15. The challenge to Article 465-A was considered by Hon'ble Supreme Court in the case of **Shyam Lal v. State of U.P.** reported in **AIR 1954 SC 369** and Hon'ble Supreme Court held that compulsory retirement is not a punishment offending Article 311 of the Constitution of India. The validity of Article 465 of the CSR on the anvil of Article 16 of the Constitution came to be considered before a Full Bench of this Court in the case of **Abdul Ahad v. I.G. of Police** reported in **AIR 1965 Allahabad 142** and it was held that the rule regarding compulsory retirement does not deny equality of opportunity in employment and is to be invoked only in the public interest and every servant of the State is equally liable to be compulsorily retired in the public interest under the rule.

16. The State Government of U.P., vide Notification No.G-1-1794/X-534 (19/57) dated 19.10.1963 added a proviso to Fundamental Rule 56 providing therein that the appointing authority may require a Government servant to retire after

attaining the age of 55 years by giving three months' notice without assigning any reason. On the other hand, it was also provided that a Government servant could seek voluntary retirement after attaining the age of 55 years by serving three months' notice upon the appointing authority, which came to be incorporated by notification dated 17.01.1968 with effect from 01.01.1964.

17. Fundamental Rule 56 as amended vide notification dated 19.10.1963 was considered by a Division Bench of this Court in the case of **S. P. Nigam v. State of U.P.** reported in **1966 ALJ 153** and the Division Bench of this Court upheld the proviso to Fundamental Rule 56 holding that it was not hit by Article 14 of the Constitution and also observed that whenever a person is compulsorily retired, there has to be some reason, since a good officer would not be retired prematurely.

18. Subsequently, by the U.P. Fundamental (Amendment and Validation) Act, 1970, it was made clear that the decision to compulsorily retire an employee shall be taken by the appointing authority in the public interest. The validity of this provision was again considered in the case of **Iqbal Narain Srivastava v. State of U.P**. reported in **AIR 1971 All 178**, wherein a challenge was made as to whether such a provision could be made by a Provincial Legislature or not. This Court upheld Fundamental Rule 56 as inserted by the Validation Act, 1970.

19. Thereafter, by the U.P. Civil Service (First Amendment) Regulation, 1973 published vide notification dated 01.11.1973, State of U. P. amended Articles 465 and 465-A of the CSR and both the articles were recast providing therein that the Government may retire a Government servant on attaining the age of 50 years without assigning any reason by giving three months' notice or pay in lieu thereof. This resulted in the creation of

parallel powers of compulsory retirement and voluntary retirement under the CSR and Fundamental Rule 56.

20. Ultimately, the U.P. Legislature enacted the U.P. Fundamental Rule 56 (Amendment and Validation) Act, 1976 and substituted and inserted Fundamental Rule 56, which stands as it is today. Simultaneously, Articles 465 and 465-A of CSR were also repealed.

21. The evolution of the statutory provisions pertaining to compulsory retirement in the State of U.P. has been discussed above in order to stress upon the fact that in respect of employees governed by Fundamental Rule 56 as applicable in the State of U.P., the Court has to confine itself to the statutory provisions applicable in the State of U.P. The general observations made by various Courts as well as Hon'ble Supreme Court in respect of employees of other States or the Government of India, who are governed by provisions which are not identical or *pari materia* to Fundamental Rule 56 as applicable in the State of U.P. may not provide a correct exposition of law for considering whether an order of compulsory retirement passed by an authority in the State of U.P. is valid or not.

22. Before coming to the facts and merits of the case at hand, it would be apposite to refer to the landmark judgment of the Hon’ble Apex Court passed in the case of **Baikuntha Nath Das & another vs. Chief District Medical Officer' (1992) 2 SCC 299**; wherein Hon’ble Apex court laid down certain principles which are to be observed in the cases concerning compulsory retirement paragraph 34 of the said judgment has been reproduced below:

> ***“34.*** *The following principles emerge from the above discussion:*

(i) An order of compulsory retirement is not a punishment. It implies no stigma nor any suggestion of misbehaviour.

(ii) The order 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.

(iii) Principles of natural justice have no place in the context of an order of compulsory retirement. This does not mean that judicial scrutiny is excluded altogether. While the High Court or this Court would not examine the matter as an appellate court, they may interfere if they are satisfied that the order is passed (a) mala fide or (b) that it is based on no 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, if it is found to be a perverse order.

(iv) 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 — of course attaching more importance to record of and performance during the later years. The record to be so considered would naturally include the entries in the confidential records/character rolls, both favourable and adverse. If a government servant is promoted to a higher post notwithstanding the adverse remarks, such remarks lose their sting, more so, if the promotion is based upon merit (selection) and not upon seniority.

(v) 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.

> *Interference is permissible only on the grounds mentioned in (iii) above. This aspect has been discussed in paras 30 to 32 above".*
>
> ***(emphasis supplied)***

23. A bare perusal of the above guidelines would point to the fact that the only permissible way to interfere in an order of compulsory retirement by a writ court is when such order is directly hit by guideline (iii) i.e. when the order suffers from malafides or is based on no evidence or is perverse.

24. The law with regard to the scope of judicial review, particularly the washed-off theory in respect of judicial officers, has been considered by the Hon'ble Supreme Court in the case of **Ram Murti Yadav vs. State of U.P. and another**, reported in **(2020) 1 SCC 801**. The Hon'ble Supreme Court held that the scope of judicial review of an order of compulsory retirement, based on the subjective satisfaction of the employer, is extremely narrow and restricted, as the service record of the judicial officer, upon examination by the Screening Committee and on its recommendations, is approved by the Full Court of the High Court, and the Court, while exercising judicial review, cannot sit in judgment over the satisfaction recorded by the Screening Committee and the Full Court as an appellate authority. The relevant paragraphs Nos. 6, 9, 10, 12, 14 and 15 of the aforesaid judgment in the case of **Ram Murti Yadav (supra)** are reproduced hereinbelow:

> *"6. The service records of the appellant have been examined by the Screening Committee, the Full Court as also by the Division Bench of the High Court. The scope for judicial review of an order of compulsory retirement based on the subjective satisfaction of the employer is extremely narrow and restricted. Only if it is found to be based on arbitrary or capricious grounds, vitiated by malafides, overlooks relevant materials, could there be limited scope for interference. The court, in judicial review,*

cannot sit in judgment over the same as an Appellate Authority. Principles of natural justice have no application in a case of compulsory retirement.

9. The submission of Shri Basant that compulsory retirement could not have been ordered for mere error of judgment in decision-making merits no consideration in view of K.K. Dhawan (supra) and Duli Chand (supra). Likewise, what has been euphemistically described as "washeoff theory" by reason of any subsequent promotion after adverse entry being relevant for further promotion but not for compulsory retirement has to be rejected in view of Pyare Mohan Lal (supra). A single adverse entry could suffice for an order of compulsory retirement as held in Pyare Mohan Lal (supra) as follows :

> “29. The law requires the authority to consider the “entire service record” of the employee while assessing whether he can be given compulsory retirement irrespective of the fact that the adverse entries had not been communicated to him and the officer had been promoted earlier in spite of those adverse entries. More so, a single adverse entry regarding the integrity of an officer even in remote past is sufficient to award compulsory retirement. The case of a judicial officer is required to be examined, treating him to be different from other wings of the society, as he is serving the State in a different capacity. The case of a judicial officer is considered by a committee of Judges of the High Court duly constituted by the Hon’ble the Chief Justice and then the report of the Committee is placed before the Full Court. A decision is taken by the Full Court after due deliberation on the matter. Therefore, there is hardly any chance to make the allegations of non-application of mind or mala fides.”

10. This Court in Syed T.A. Naqshbandi & Ors. vs State of Jammu & Kashmir & Ors., (2003) 9 SCC 592, considering the scope of judicial review of an assessment of the conduct of a judicial officer approved by a Full Court, observed as follows:

> "7. … As has often been reiterated by this Court, judicial review is permissible only to the extent of finding whether the process in reaching the decision has been observed correctly and not the decision itself, as such. Critical or independent analysis or appraisal of the materials by the courts exercising powers of judicial review unlike the case of an appellate court, would neither be permissible nor conducive to the interests of either the officers concerned or the system and institutions of administration of justice with which we are concerned in this case, by going into the correctness as such of ACRs or the assessment made by the Committee and approval accorded by the Full Court of the High Court."

12. It was further observed that:(Rajendra Singh Verma case : (2011) 10 SCC 1, SCC pp.77-78, para 192)

> "192. … If that authority bona fide forms an opinion that the integrity of a particular officer is doubtful, the correctness of that opinion cannot be challenged before courts. When such a constitutional function is exercised on the administrative side of the High Court, any judicial review thereon should be made only with great care and circumspection and it must be confined strictly to the parameters set by this Court in several reported decisions. When the appropriate authority forms bona fide opinion that compulsory retirement of a judicial officer."

14. A person entering the judicial service no doubt has career aspirations including promotions. An order of compulsory retirement undoubtedly affects the career aspirations. Having said so, we must also sound a caution that judicial service is not like any other service. A person discharging judicial duties acts on behalf of the State in discharge of its sovereign functions. Dispensation of justice is not only an onerous duty but has been considered as akin to discharge of a pious duty, and therefore, is a very serious matter. The standards of probity, conduct, integrity that may be relevant for discharge of duties by a careerist in another job cannot be the same for a judicial officer. A judge holds the office of a public trust. Impeccable integrity, unimpeachable independence with moral values embodied to the core are absolute imperatives which brooks no compromise. A judge is the pillar of the entire justice system and the public has a right to demand virtually irreproachable conduct from anyone performing a judicial function. Judges must strive for the highest standards of integrity in both their professional and personal lives.

15. It has to be kept in mind that a person seeking justice, has the first exposure to the justice delivery system at the level of subordinate judiciary, and thus a sense of injustice can have serious repercussions not only on that individual but can have its fall out in the society as well. It is therefore absolutely necessary that the ordinary litigant must have complete faith at this level and no impression can be afforded to be given to a litigant which may even create a perception to the contrary as the consequences can be very damaging. The standard or yardstick for judging the conduct of the judicial officer therefore has

> necessarily to be strict. Having said so, we must also observe that it is not every inadvertent flaw or error that will make a judicial officer culpable. The State Judicial Academies undoubtedly has a stellar role to perform in this regard. A bona fide error may need correction and counselling. But a conduct which creates a perception beyond the ordinary cannot be countenanced. For a trained legal mind, a judicial order speaks for itself."

25. In the case of **Pyare Mohan Lal vs. State of Jharkhand and others**, reported in **(2010) 10 SCC 693**, the Hon'ble Supreme Court has taken into consideration the principle of the washed-off effect of adverse entries recorded prior to the date of promotion and has held that the "entire service record" has to be assessed, irrespective of the fact that the adverse entries had been communicated and the officials had been promoted earlier despite such adverse entries. Paragraph No. 29 of the judgment is reproduced hereinbelow:

> *"29. The law requires the Authority to consider the "entire service record" of the employee while assessing whether he can be given compulsory retirement irrespective of the fact that the adverse entries had not been communicated to him and the officer had been promoted earlier in spite of those adverse entries. More so, a single adverse entry regarding the integrity of an officer even in remote past is sufficient to award compulsory retirement. The case of a Judicial Officer is required to be examined, treating him to be differently from other wings of the society, as he is serving the State in a different capacity. The case of a Judicial Officer is considered by a Committee of Judges of the High Court duly constituted by Hon'ble the Chief Justice and then the report of the Committee is placed before the Full Court. A decision is taken by the Full Court after due deliberation on the matter. Therefore, there is hardly any chance to make*

the allegations of non- application of mind or mala fide."

26. Now, coming to the case in hand, the record shows that certain complaints and enquiries were pending against him at the time when his case was considered by the Screening Committee for compulsory retirement. The Screening Committee, in its meetings held on 11.06.2020 and 15.06.2020, considered the case of the petitioner for compulsory retirement along with those of other judicial officers and recommended his compulsory retirement. The said recommendation was accepted by the Administrative Committee of the High Court in its meeting dated 18.11.2021. Thereafter, the Full Court of this Court, in its meeting dated 25.11.2021, considered the case of the petitioner for compulsory retirement and came to the conclusion that the petitioner had outlived his utility and that his continuance in service was no longer in the public interest. Thereafter, vide D.O. Letter dated 26.11.2021, this Court recommended to the State Government that the petitioner be compulsorily retired. Consequently, the State Government passed the order dated 29.11.2021, compulsorily retiring the petitioner from service. The material placed before the Screening Committee, on the basis of which it arrived at its conclusion and recommended the compulsory retirement of the petitioner, included certain complaints against him relating to his conduct and discharge of his official duties.

27. The said complaints, in brief, are as follows:

(1) The first complaint against the petitioner was that the judicial orders passed by him were not in accordance with law. The said complaint was forwarded by the District Judge, Amroha, vide letter No. 01/Confidential/Amroha dated 10.08.2018. Upon consideration of the letter dated 10.08.2018 submitted by the District and Sessions Judge, Amroha, V.B. Inquiry No. 02 of 2019 was initiated vide order dated 13.07.2019 passed by Hon'ble the

Chief Justice. In the said V.B. Inquiry, an enquiry report dated 30.09.2019 was submitted by the Special Officer (Vigilance), High Court, Allahabad, against the petitioner. The said enquiry report was considered by the Hon'ble Administrative Committee in its meeting held on 20.11.2019, wherein it was resolved to accept the enquiry report and initiate a departmental enquiry against the petitioner. In compliance with the aforesaid resolution, Departmental Enquiry No. 12/2019/Cf.(A) was initiated against the petitioner.

(2) The second complaint against the petitioner related to misconduct and the use of foul language by him. The said complaint was forwarded by the District Judge, Amroha, vide letter No. 06/2018/Confidential/DJ Amroha dated 31.08.2018. Upon consideration of the letter dated 31.08.2018 submitted by the District and Sessions Judge, Amroha, V.B. Inquiry No. 03/2019 was initiated vide order dated 13.07.2019 passed by Hon'ble the Chief Justice. In the said V.B. Inquiry, an enquiry report dated 13.08.2019 was submitted by the Special Officer (Vigilance), High Court, Allahabad, against the petitioner. The said enquiry report was considered by the Hon'ble Administrative Committee in its meeting held on 04.09.2019, wherein it was resolved to accept the enquiry report and initiate a departmental enquiry against the petitioner. In compliance with the aforesaid resolution, Departmental Enquiry No. 09/2019/Cf.(A) was initiated against the petitioner.

(3) The third complaint against the petitioner was made by one Sri Mohd. Wasim, son of Mohd. Mustakim, resident of District Amroha. The said complaint, dated 22.09.2018, was duly supported by an affidavit, wherein allegations of corruption and illegal demands for passing favourable orders in three cases were levelled against the petitioner. Upon consideration of the said complaint dated 22.09.2018 submitted by Sri Mohd. Wasim, V.B. Inquiry No. 04 of 2019 was initiated vide order dated

13.07.2019 passed by Hon'ble the Chief Justice. In the said V.B. Inquiry, an enquiry report dated 31.10.2019 was submitted by the Special Officer (Vigilance), High Court, Allahabad, against the petitioner. The said enquiry report was considered by the Hon'ble Administrative Committee in its meeting held on 20.11.2019, wherein it was resolved to accept the aforesaid enquiry report and initiate a departmental enquiry against the petitioner. In compliance with the aforesaid resolution, Departmental Enquiry No. 13/2019/Cf.(A) was initiated against the petitioner.

(4) The fourth complaint against the petitioner was made on 05.09.2018 by a female judicial officer regarding the alleged indecent conversations and behaviour of the petitioner towards her. The said complaint was forwarded by the District Judge, Amroha, vide letter No. 07/2018/DJ Amroha dated 05.09.2018. The said complaint was referred to the Hon'ble Internal Committee vide order dated 12.09.2018 passed by Hon'ble the Chief Justice. Thereafter, another complaint dated 08.09.2018 was received from the said female judicial officer, wherein it was alleged that the petitioner was pressurising her to withdraw her earlier complaint dated 05.09.2018. The said complaint dated 08.09.2018 was tagged with the earlier complaint dated 05.09.2018 for being placed before the Hon'ble Internal Committee. Hon'ble Internal Committee, in its meetings, resolved to ensure compliance with Rules 7(1) and 7(3) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Upon compliance with the aforesaid provisions, the matter was considered by the Hon'ble Internal Committee in its meeting held on 03.09.2021, wherein it was resolved to summon the respondent (petitioner herein) and the complainant (the female judicial officer) before the Hon'ble Committee at its next meeting, scheduled to be held on 22.10.2021. In compliance with the aforesaid direction, both the complainant and the respondent appeared before the Hon'ble

Committee in its meeting held on 29.11.2021, on which date the following resolution was passed by the Hon'ble Internal Committee:

> *"The complainant and Shri Praveen Sonkar, respondent appeared before this Committee.*
>
> *The Committee delved into the complaint. Heard both the complainant and the respondent and perused the complaint as also the reply submitted by the respondent.*
>
> *The respondent has regretted his behavior with the complainant on the fateful day. The respondent has tendered unqualified apology in writing which has been accepted by the complainant and showed his repentance and has assured that he will be careful in future and maintain cordial relations not only with the complainant but also with other female colleagues and employees of the Judgeship.*
>
> *Let the letter of apology of the respondent be kept on record marked as 'X'.*
>
> *The Committee has further deliberated and found that the conduct and behaviour of the respondent with the complainant had caused emotional distress and mental trauma to the complainant though there are no allegations of any kind of sexual harassment of the complainant. Such conduct and behaviour has disturbed the cordial relations of the complainant with other judicial officers and created a hostile work environment which has resulted in undermining the dignity of the complainant.*
>
> *The Committee resolves that a warning be given to the respondent to remain careful in future in his behaviour with his colleagues whether junior or senior and in no manner create any kind of pressure or make any comment upon the complainant in future. The warning letter be also placed on record as 'Y'*
>
> *Let the report be placed before Hon'ble the Chief Justice."*

The petitioner had submitted a letter of apology and was cautioned to be careful in his behaviour towards his colleagues in future. Thereafter, the matter was placed before the Hon'ble Internal Committee in its meeting held on 20.11.2021, wherein the following resolution was passed by the Hon'ble Internal Committee:

> *"Resolved that the report be prepared expeditiously and the same be placed before the Committee and upon approval of the same, the report be placed before Hon'ble the Chief Justice."*

In compliance with the aforesaid resolution, a report was prepared in the matter. After the said report was approved by the Hon'ble Committee on 26.02.2022, it was placed before Hon'ble the Chief Justice, who passed the order "Seen" thereon on 30.03.2022.

28. We do take into consideration the fact that the petitioner was compulsorily retired on 29.11.2021, whereas the Screening Committee had recommended his compulsory retirement on 11.06.2020. The proceedings relating to the fourth complaint and the findings recorded by the Internal Committee were subsequent to the meeting of the Screening Committee held in June 2020. Even then, the material available before the Screening Committee included the complaints made by the female judicial officer in August 2018. Further, in the V.B. Inquiry relating to the third complaint, an enquiry report dated 31.10.2019 was submitted by the Special Officer (Vigilance), High Court, Allahabad, against the petitioner. The said enquiry report was accepted by the Administrative Committee in its meeting dated 20.11.2019, pursuant to which a departmental enquiry was also initiated against the petitioner. With regard to the first complaint as well, the Special Officer (Vigilance), High Court, Allahabad, submitted an enquiry report dated 30.09.2019 in the V.B. Inquiry,

and, on the basis of the said report, the Administrative Committee, in its meeting dated 20.11.2019, resolved to initiate a departmental enquiry against the petitioner.

29. Similarly, with regard to the second complaint, V.B. Inquiry No. 03/2019 was initiated, in which an enquiry report dated 13.08.2019 was submitted. The said enquiry report was considered by the Administrative Committee in its meeting held on 04.09.2019 and a departmental enquiry was initiated against the petitioner.

30. The aforesaid facts indicate that the Screening Committee, which, upon consideration of the material available on record, made recommendation for compulsory retirement of the petitioner. As such, it cannot be said that there was no material available against the petitioner to warrant his compulsory retirement.

31. The argument advanced by learned counsel for the petitioner that, since disciplinary proceedings had been initiated and no conclusive findings had been recorded against the petitioner, no reliance could be placed upon such facts and allegations for the purpose of compulsorily retiring him, cannot be accepted. In this regard, we are of the view that the pendency of departmental enquiries in respect of certain allegations which were taken into consideration by the Screening Committee is of no consequence, as the order of compulsory retirement is not punitive in nature but is based on an overall assessment of the service record of the officer. In this context, the Hon'ble Supreme Court, in the case of **High Court of Judicature for Rajasthan vs. Bhanwar Lal Lamror and Others**, reported in **(2021) 8 SCC 377**, considered the case of a judicial officer against whom disciplinary proceedings were also pending, raising questions regarding his integrity. The Hon'ble Supreme Court took note of the fact that the disciplinary enquiry stood dropped on account of

the compulsory retirement of the officer and found no infirmity in the decision to compulsorily retire him. Accordingly, the appeal preferred by the High Court of Judicature for Rajasthan was allowed. The relevant paragraphs, namely, paragraphs 8 to 16 of the aforesaid judgment, are reproduced hereinbelow:

> *"8. 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.*
>
> *9. 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.*
>
> *10. 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.*
>
> *11. 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.

12. 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.

13. 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.

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

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

16. The appeal is allowed in the above terms. No order as to costs. Pending applications, if any, stand disposed of."

32. It would also be appropriate to refer to the judgment and order dated **24.10.2024** passed by a Co-ordinate Bench of this Court in **Writ-A No. 1382 of 2022, Anil Kumar vs. State of U.P. and Others**, which also concerned a judicial officer whose case was considered by the same Screening Committee along with that

of the petitioner. In the said judgment, the Co-ordinate Bench considered the effect of the pendency of departmental proceedings at the time of consideration of the case for compulsory retirement, as well as the effect of the subsequent exoneration of the judicial officer in the departmental enquiry. It was held that the subsequent exoneration of the officer in the departmental enquiry would not, by itself, render the decision to compulsorily retire him invalid, particularly when the Screening Committee had considered the entire service record and other relevant material available on record. The relevant paragraphs, namely paragraphs 25 and 29 to 36 of the aforesaid judgment, are reproduced hereinbelow:

> *...(25) We have perused the original records including the recommendation of the Screening Committee, the Administrative Committee, the Full Court of the High Court and the ultimate order passed by the State Government compulsorily retiring the petitioner. We find from a perusal of the minutes of the Screening Committee that it has considered the case of the petitioner for compulsory retirement in the light of various Supreme Court decisions referred therein some of which have been referred hereinabove. The Committee deliberated on 11.06.2020 and 15.06.2020 and scrutinized the service record of the concerned officer. The entire service record was available before the Screening Committee and the same has also been produced before us, therefore, it was seen by the Screening Committee.*
>
> *...(29) As already mentioned in the earlier part of the judgment, based on the aforesaid, the Chief Justice ordered vigilance inquiry on 11.05.2013. Vigilance Officer conducted the inquiry and submitted his report on 04.03.2016 wherein he found the allegations to be proved. This vigilance inquiry report was considered by the Administrative Committee in its meeting dated 14.09.2016 and 16.11.2016 and accordingly, regular disciplinary proceedings were initiated against the officer.*

(30) The Screening Committee has taken into consideration the aforesaid reports to form an opinion that the petitioner was a deadwood and had outlived its utility requiring his compulsory retirement in public interest in terms of F.R.56(C). Now, the said recommendation of the Screening Committee dated 11.06.2020 and 15.06.2020 was accepted by the Administrative Committee in its meeting dated 18.11.2021 and thereafter, the matter was placed before the Full Court which also accepted the recommendations and recorded a satisfaction that the petitioner was liable to be compulsorily retired in public interest and in pursuance thereof, issued the order of compulsory retirement of the petitioner in public interest under F.R. 56C on 29.11.2021.

(31) Once the master-servant relationship ceased then the Disciplinary proceedings bearing No.12/2016 should have been dropped and should not have continued any further as there was no provision under which such proceedings could have continued thereafter unless of course a decision was taken under Civil Services Regulation 351A for forfeiture/ withholding etc of pension etc but no such decision had been taken to continue the proceedings under the said provision. It appears that the Inquiry Officer was not informed about the compulsory retirement of the petitioner and the inquiry report was submitted subsequently on 23.12.2021 in ignorance of the fact that the petitioner had already retired. In the said report, the petitioner was exonerated of Charge No.1 and 2 which were similar to the adverse remarks made by the District Judge in the A.C.R. for the year 2012-13 and the report mentioned hereinabove. Much emphasis has been laid by learned counsel for the petitioner that this exoneration in the inquiry report which was accepted by the Administrative Committee on 10.01.2022 was itself sufficient to show that remarks of the District Judge and the report sent by him which was taken into consideration by the Screening Committee and thereafter, by the Administrative Committee and the Full Court of the High Court were unjustified and therefore, the basis for the satisfaction recorded for compulsory retirement of the petitioner was not tenable on facts and

in law. However, as already observed hereinabove, the said exoneration by the Inquiry Judge is absolutely without jurisdiction. The Inquiry report dated 23.12.2021 has no legal significance in the eyes of law as once the master-servant relationship ceased there was no way that the said inquiry could have continued which was for purpose of imposition of any punishment especially as it was not continued for the purpose mentioned in Article 351A of the Civil Services Regulation and there is nothing on record to show to the contrary. So far as the dropping of charges by the Administrative Committee meeting dated 10.01.2022 while considering the inquiry report dated 23.12.2021 is concerned, the said decision appears to have been in view of the fact that the petitioner had already compulsorily retired and no purpose would be served as punishment could not have been imposed on a retired employee. Moreover, as already discussed hereinabove, a Co-ordinate Bench of this Court in the case of Arun Kumar Saxena (supra) had an occasion to consider a similar plea and for the legal reasoning propounded therein, it rejected the said plea and for the same reason, this plea in this case is also liable to be rejected. Additionally, this plea is liable to be rejected because the inquiry report in this case was without jurisdiction and therefore, no advantage could enure to the petitioner on account of its submission. We have also gone through the inquiry report. Moreover, as already discussed, the subjective satisfaction arrived at by the District Judge in the A.C.R. recorded by him for the year 2012-13 and in his report which led to a vigilance inquiry does not get washed away by this inquiry report for the reasons already given by the Co-ordinate Bench of this Court in the case of Arun Kumar Saxena (supra) and as already discussed hereinabove, this plea raised by the petitioner's counsel is therefore rejected.

(32) The Screening Committee considered the A.C.R. for the year 2012-13, the report of the District Judge and the report of the Vigilance Officer which was available before it and the report of Inquiry Judge had not come by then and, based on the aforesaid material as also the entire service record, it recommended compulsory retirement of the petitioner.

(33) It is not a case where there was no material before the Screening Committee or the Administrative Committee or the Full Court of the High Court for compulsory retirement of the petitioner. The material was very much there and based on such material, a subjective satisfaction was recorded by the Screening Committee, the Administrative Committee and the Full Court of the High Court and therefore, the opinion expressed by the said Committees which consists of sitting High Court Judges has to be given due weightage and cannot be brushed aside cursorily as stated by Hon'ble the Supreme Court in a catena of decisions which have already been discussed. As regards the malafide alleged, the District Judge has not been impleaded as a party in these proceedings, therefore, the same cannot be considered. The allegations even otherwise are vague.

(34) As regards the rating of the petitioner as 'average' by the District Judge for the year 2016-17, the Administrative Judge upgraded the said categorization to 'Good' but did not record any opinion on the integrity of the petitioner on account of pendency of vigilance inquiry against him. The petitioner submitted a representation in this regard on 19.04.2018 which was considered and rejected by the Administrative Committee in its meeting dated 11.06.2020 and 15.06.2020 while considering compulsory retirement of the petitioner. Therefore, the Administrative Committee refused to certify the integrity of the petitioner for the said year.

(35) As regards the contention of learned counsel for the petitioner that compulsory retirement was resorted as a shortcut to avoid disciplinary proceedings without waiting for its result, we are not satisfied with this contention in view of the law already discussed hereinabove. Considering the nature of the material against the petitioner and the report of Vigilance Officer which was before the Screening Committee, merely because a chargesheet had been issued to him and a disciplinary proceeding had been initiated did not preclude the High court from considering the petitioner for compulsory retirement. The law discussed

hereinabove did not preclude the High Court from doing so. In fact, once a decision to compulsorily retire the petitioner was taken, it was implied therein that the disciplinary proceedings which had been initiated for imposing a punishment stood dropped but merely because the Inquiry Judge may not have been informed about the said fact resulting in an inquiry report dated 23.12.2021 would not enure to the benefit of the petitioner as already discussed. Proceedings for compulsory retirement and disciplinary proceedings are two distinct proceedings as already discussed in the case of Arun Kumar Saxena (supra). Moreover, judicial decisions may not entail disciplinary proceedings but the same can certainly form the basis for an opinion while recording annual confidential reports and also for assessing the work and conduct of a judicial officer as was done by the District Judge, Badaun and the said exercise can culminate in a report by Vigilance Officer which was a material which could have been taken for consideration by the Screening Committee as has been done rightly so and the decision arrived at cannot be said to be one without any material or so apparently arbitrary or capricious so as to warrant our interference in the matter. A subjective satisfaction recorded by the Screening Committee, the Administrative Committee and the Full Court of this High Court does not require any interference in the facts as noticed hereinabove. The assessment of the work and conduct of a judicial officer by his immediate superior is of immense importance as has been opined by Hon'ble the Supreme Court in the case of Nand Kumar Verma (supra) and Rajendra Singh Verma (supra) especially in view of the report of the Vigilance Officer. The law is settled that a single adverse remark regarding integrity of a judicial officer is sufficient for his compulsory retirement. In this case, there is sufficient material to sustain the order of compulsory retirement and also subjective satisfaction arrived at in this regard. As observed by the Supreme Court of India, it is not always possible to have positive evidence in matters of integrity of a judicial officer and the assessment by the immediate superior officer regarding his work and conduct including his integrity

should not be brushed aside lightly, unless of course, any malafide is proved which is not the case here. Therefore, the decision of the Screening Committee, the Administrative Committee and the Full Court based on the material before it, are required to be given due weightage. Decisions relied by the petitioner do not help his cause in view of the above discussion.

(36) For all these reasons, we do not find merit in the writ petition. It is, accordingly, dismissed."

33. It is noteworthy that the challenge in the present writ petition is directed against the decision-making process involving the same Screening Committee, which recommended the petitioner's compulsory retirement, and the same Administrative Committee, which accepted the recommendation of the Screening Committee which was also subject matter and dealt by the Co-ordinate Bench of this Court in the case of **Anil Kumar (supra)**. The judgment rendered by the Co-ordinate Bench of this Court in the case of **Anil Kumar (supra)** was also challenged before Hon'ble Supreme Court, which was dismissed vide order dated **13.12.2024** passed in **Special Leave to Appeal (C) No. 29442 of 2024 : Anil Kumar vs. State of U.P. and Anothers**. The said order reads as follows:

"We have heard learned counsel for the petitioner at length.

We are not inclined to interfere in the matter.

The Special Leave Petition is hence dismissed.

Pending application(s) shall stand disposed of."

34. In view of the aforesaid discussions, we are of the considered opinion that the recommendation of the screening committee approved by Administrative Committee and Full Court of this Court compulsorily retiring the petitioner was based on sufficient material available in the service record of the petitioner and there is no infirmity or illegality in the order of compulsory

retirement of the petitioner, communicated vide orders dated 26.11.2021 and 29.11.2021 and as such, no interference is called for in the present writ petition.

35. Accordingly, the writ petition is **dismissed**.

36. There shall be no order as to costs.

(Amitabh Kumar Rai, J.) (Alok Mathur, J.)

November 12, 2026
Shubhankar

Digitally signed by :-
SHUBHANKAR THAKUR
High Court of Judicature at Allahabad,
Lucknow Bench