

B. D. Arora

Vs

Secretary, Central Board of Direct Taxes and Another

Civil Appeal No. 1532 of 1988

20.04.1988

ORDER

1. Special leave granted.

2. The challenge is to the order of compulsory retirement of appellant who was an Income-tax Officer. He has been retired in exercise of powers vested in Fundamental Rule 56(j). The ground of retirement is recorded thus :

While considering the case of Shri B. D. Arora, the Committee noticed that his rating for the year 1980-81 is average and similar is the position for the year 1982-83. The noting for the year 1981-82 is that he is good for routine work in mofussil charges. These notings show that this officer has lost his effectiveness as well as utility to the government. The Committee, therefore, recommended that he is not fit for further retention in government service and recommended his case under FR 56(j).

3. We are surprised that this should be the conclusion from the material catalogued in the order. The very assessment shows that the officer is effective if posted in rural areas. This follows that he has not lost his effectiveness. There would be several officers with such record who are not being retired and we do not find any justification as to why the appellant should have been picked up.

4. The appeal is allowed. The order of compulsory retirement is quashed and he shall be deemed to be continuing in service. Hearing fee is assessed at Rs. 3000 (Rupees three thousand).

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