

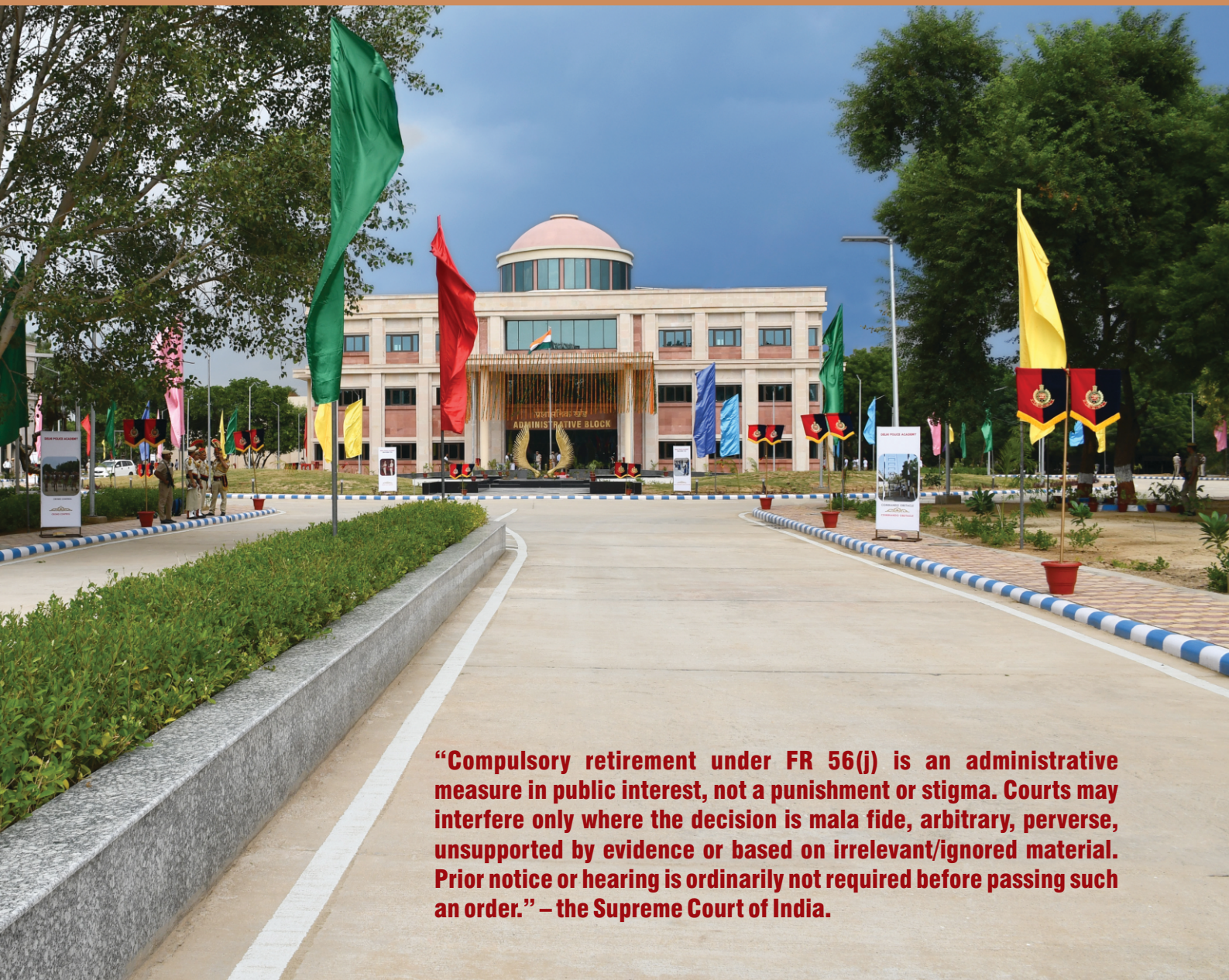
THE LAW LEDGER

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DELHI POLICE ACADEMY

Civil Appeal No. 8634 of 2012
Date of Judgement: 06 August 2026

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“Compulsory retirement under FR 56(j) is an administrative measure in public interest, not a punishment or stigma. Courts may interfere only where the decision is mala fide, arbitrary, perverse, unsupported by evidence or based on irrelevant/ignored material. Prior notice or hearing is ordinarily not required before passing such an order.” – the Supreme Court of India.

**Sushil Sharma Vs. Union of India &
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Facts of the Case

The appellant, **Sushil Sharma**, joined the **CISF** as an **Assistant Sub-Inspector** in **1982** and was promoted to **Sub-Inspector** in 1990 and **Inspector** in 2003.

- On attaining **50 years of age**, his service record was reviewed by the **Internal Screening Committee under FR 56(j)** to assess his suitability for continued service.
- The Committee found him **unfit for further retention in public service** and recommended compulsory retirement, which was approved by the **Review Committee on 06.06.2010**. His representation against the order was also rejected.
- He challenged the compulsory retirement before the **Delhi High Court**, contending that his overall service record was satisfactory, adverse entries preceding his promotion could not be considered, and the order was arbitrary.
- The **High Court dismissed the writ petition**, holding that his performance had declined during the preceding two years and that the Screening Committee's decision was neither arbitrary nor unreasonable. The appellant thereafter **approached the Supreme Court**.

Issues for Determination

1. Whether the order of compulsory retirement under **Fundamental Rule 56(j)** was arbitrary, unreasonable or liable to judicial interference.
2. Whether the Screening Committee was required to consider the **entire service record** or only the recent performance of the employee.
3. Whether adverse entries and penalties preceding the appellant's promotion stood wiped off under the **"washed-off theory"** and could not be relied upon while considering compulsory retirement.
4. What is the permissible scope of judicial review over an order of compulsory retirement.

Decision of the Court

The Supreme Court **dismissed the appeal** and upheld the order of compulsory retirement.

The Court held that:

- the Screening Committee had considered the appellant's **entire service record**, while giving greater importance to his recent performance;



- appellant's efficiency had noticeably declined during the last 2 years preceding the review;
- after his promotion, he had also incurred a censure and repeated warnings regarding negligence and lethargy;
- there was no evidence of mala fides, arbitrariness or perversity in the process;
- therefore, no ground existed for judicial interference under Article 136 of the Constitution.

Ratio Decidendi (Legal Principle)

The Supreme Court reiterated the following principles governing compulsory retirement under **Fundamental Rule 56(j)**:

1. **Non-punitive measure:** Compulsory retirement under FR 56(j) is an administrative measure in public interest, not a punishment or stigma.
2. **Entire service record:** The authority must evaluate the complete service record, however, greater emphasis should ordinarily be assigned to the performance during the immediately preceding years, as it best reflects the employee's present utility.
3. **Washed-off theory inapplicable:** Adverse entries preceding promotion **do not become irrelevant** for compulsory-retirement assessment, even if they may be disregarded for promotion.
4. **Limited judicial review:** Courts may interfere only where the decision is mala fide, arbitrary, perverse, unsupported by evidence, or based on irrelevant/ignored material.
5. **Natural justice:** Since compulsory retirement is neither punitive nor stigmatic, prior notice or hearing is ordinarily not required before passing such an order.

Significance

- The judgment reaffirms the principles governing **compulsory retirement under FR 56(j)**.
- It gives primacy to **public interest, efficiency and integrity** over continued service where performance has declined.
- The decision clarifies that the **washed-off theory applies only to promotion** and not to assessments for compulsory retirement.
- It highlights the need for **consistent efficiency and discipline in uniformed forces**.

