

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-16707-2011

Date of decision : 05.05.2015

Daya Giri

...Petitioner

V/S

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana

JITENDRA CHAUHAN, J. (Oral)

This Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India, for quashing the impugned order dated 03.11.2010 (Annexure P-5) passed by the respondent No.2, for issuance of directions to the respondents to appoint the petitioner by way of adjustment as per the policy decision dated 21.06.2006 (Annexure P-1) or grant salary from the date of policy decision till the date of retirement on superannuation and for granting Rs.1,00,000/- on account of compensation as per policy decision dated 01.02.2007 (Annexure P-2) along with interest.

It is contended that on 14.09.1971 the petitioner joined the Haryana State Minor Irrigation Tubewells Corporation as Heavy Duty Foreman. This Corporation was closed by the order of Government of

Haryana w.e.f 30.06.2002 and the petitioner was retrenched w.e.f 01.07.2002. Thereafter, the Government of Haryana formulated a policy vide notification dated 21.06.2006 (Annexure P-1) to appoint the employees, who were retrenched during the period from 01.03.2000 to 01.03.2005 from the board/corporation etc., by way of adjustment. In clause 3 of the scheme it is provided that the employees who are less than or of 55 years of age on 18.05.2006 shall be considered for adjustment. Government of Haryana vide its another notification dated 01.02.2007 (Annexure P-2) formulated a policy for the retrenched employees who are over 55 years of age and less than 58 years of age as on 18.05.2006, who shall be given a sum of Rs.1,00,000/- on account of compensation. The petitioner served a legal notice dated 26.05.2010 (Annexure P-3) for his appointment by way of adjustment as per the policy. In response to this, respondent No.2 vide order dated 03.11.2010 rejected the claim of the petitioner on the ground that the petitioner did not submit any application for adjustment.

Learned State counsel states that petitioner did not submit his claim for adjustment, in response to the aforesaid policy dated 21.06.2006 (Annexure P-1) and public notice dated 05.07.2006. He further states that petitioner is also not eligible for the benefit given under the policy dated 01.02.2007 (Annexure P-2), as the same was for those retrenched employees who are over 55 years of age and less than 58 years of age as on 18.05.2006 and on 18.05.2006, the

age of the petitioner was 54 years 11 months and 5 days.

Heard.

There is no document on record to establish that the petitioner submitted any application to secure benefit under the policy 21.06.2006 (Annexure P-1).

Considering the fact that in response to the policy dated 21.06.2006 (Annexure P-1) and public notice dated 05.07.2006, the petitioner did not submit any application for adjustment, he is not eligible for adjustment. He is also not eligible for the benefit given under the policy dated 01.02.2007 (Annexure P-2), as the same was for those retrenched employees who are over 55 years of age and less than 58 years of age as on 18.05.2006 and on 18.05.2006, he was 54 years 11 months and 5 days.

Accordingly, the present petition is dismissed.

05.05.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**

whether referred to reporter? Yes/No.