

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

CWP No. 11181 of 2014
Date of decision: 18.11.2015

Sohan Singh Sahota

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vikas Singh, Advocate,
for the petitioner.

Mr. Avinit Avashti, AAG, Punjab.

Mr. Anupam Singla, Advocate,
for respondents no. 3 and 4.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the impugned order dated 23.05.2014 (Annexure P-3) whereby, the action of the respondents in terminating the services of the petitioner before the expiry of the term had been done. The action of terminating the services on the basis that the petitioner had attained the age of 65 years being illegal and arbitrary was challenged.

The appointment letter dated 22.09.2008 would show that the petitioner was selected as Sub Divisional Engineer on a fixed remuneration with the respondent-authority for an initial period of one year as per the contract.

It is not disputed that the contract was further extended till 29.08.2013. Vide the interim order dated 29.05.2014, the petitioner was protected till the period of extension. The right of the petitioner to

challenge the action till the age of 65 years is without any basis in view of the contract inter se the parties, which was only for a period of one year. Reference has been made to Clause 4.5 of the guidelines by the counsel to fortify his argument, which read thus:-

“4.5 The age of a person, at the time of direct recruitment to a post under the Authority, shall not normally exceed 35 years in case of a candidate appointment through direct recruitment and 70 years in case of retired government servant. Providing that the State Project Director may in specific cases relax the condition of upper age having regard to the qualifications and experience of a candidate.”

The said requirement of 70 years in case of retired government servant is the maximum age fixed and there is no such vested right for the petitioner that he is entitled to continue beyond 65 years uptill the age of 70 years as a matter of right.

In such circumstances, the reference to the said clause is without any basis.

Accordingly, the appointment being contractual and the period having expired, the writ petition has been rendered infructuous and is disposed of as such.

18.11.2015
shivani

(G.S. SANDHAWALIA)
JUDGE