

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

CWP-9642-2013

Date of decision : 19.03.2015

RAJBIR SINGH

...Petitioner

V/S

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Amit Verma, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab

Mr. Kuldeep Tiwari, Advocate for respondent Nos.2 and 3

JITENDRA CHAUHAN, J. (Oral)

This writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondent Nos.1 to 3 to decide the representation dated 04.01.2013 (Annexure P-5) and the case for reemployment of the petitioner.

It is contended that the petitioner had joined as Clerk with the Irrigation Department, Haryana and his services was transferred to BBMB on 14.05.1984. He retired on 30.11.2012 from Bhakra Dam Division BBMB, Nangal. After retirement the petitioner submitted his application (Annexure P-1) for re-employment, to the respondent No.3 and respondent No.3 who conveyed to the petitioner regarding the

pendency of a complaint. Thereafter, the petitioner moved a representation dated 04.01.2013 and sent a legal notice dated 15.02.2013 to the respondent, however, no response has so far been received from them.

Hence, this writ petition.

Learned counsel for the respondent Nos.2 and 3 refers to general instructions dated 07.01.2009 (Annexure R-2/1) with regard to re-employment and states that petitioner is ineligible for re-employment in view of the pendency of the chargesheet. He further informs that chargesheet framed against the petitioner was sent to his parent department i.e. Haryana Irrigation Department vide Annexure R-2/7.

The general instructions dated 07.01.2009 reads as under:-

“Subject: Re-employment of staff in BBMB after retirement (on contract basis) General instructions thereof.

Please attention on above mentioned subject. While sending proposal regarding above case to this office except other instructions. The following matter should be declared so that due to unnecessary delay:-

- 1. The applicant age should below 60 years.*
- 2. There should no informal during the service period by retired Officer and no any types of disciplinary action consideration/pending against him.*

This issue with approval of Chairman, BBMB.”

This is not in dispute that the chargesheet is not pending against the petitioner. The chargesheet at the relevant time was pending against the petitioner. Learned counsel for the petitioner also admits the factum of pendency of chargesheet.

Heard.

In view of the admitted position this Court feels that case of the petitioner for re-employment was rightly rejected by the authorities.

Dismissed.

19.03.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether referred to reporter= yes/no ?