

In the High Court of Punjab and Haryana at Chandigarh

LPA No. 1734 of 2015
Date of Decision: 3.12.2015

Prem Singh Mittal and others

---Appellants

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mr. Justice Rajive Bhalla
Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. T.S. Sidhu, Advocate
for Mr. Vikas Singh, Advocate
for the appellants

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rajive Bhalla, J.

The appellants challenge order dated 18.11.2015 dismissing their writ petition.

Counsel for the appellants submits that the appellants who are retired government servants were appointed as District Managers in the Mid Day Meal Cell, on contract basis, in the years 2007 and 2008, with a consolidated salary of Rs. 10,000/-. The service of the appellants was extended from time to time but all of a sudden they received letters informing them that as they have completed the age of 65 years, they shall stand relieved within one month of 16.9.2013. The appellants challenged this order by filing a writ petition. The respondents filed a reply but by way

of an additional affidavit, placed on record Minutes of the Meeting dated 19.11.2013, held by the State Level Committee taking a decision that outer age limit be fixed at 65 years. The decision is not a part of the original written statement and appears to have been taken later by antedating the decision. The writ petition has, however, been dismissed as infructuous by holding that the decision taken by the State Level Committee has not been challenged. The impugned order is not only non-speaking but disregards the fact that the initial appointment does not contain any condition that service beyond 65 years is not permissible.

We have heard counsel for the appellants, perused the impugned order as well as facts pleaded in the writ petition and the appeal but are not inclined to grant any relief to the appellants.

The appellants are retired employees who were offered contractual employment as District Managers, on a consolidated salary. The contractual employment was admittedly extended from time to time. The State Level Committee in its meeting held on 21.11.2013 took a decision to restrict the outer age limit to 65 years. The appellants were served with a notice that they would be relieved within one month of 6.9.2013. The appellants challenged this order and as stay was granted, continued in service. The respondents filed an additional affidavit placing on record the decision taken by the State Level Committee on 19.11.2013 that the outer age limit has been fixed at 65 years. The appellants were required to challenge the decision taken by the State Level Committee but did not pray for amendment of the writ petition or filed a fresh writ petition. The writ petition was, therefore, rightly dismissed as infructuous. The appeal is,

therefore, dismissed with liberty to the appellants to challenge decision dated 19.11.2013, taken by the State Level Committee.

(Rajive Bhalla)
Judge

(Rekha Mittal)
Judge

3.12.2015

PARAMJIT