

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

C.W.P. No. 10046 of 2015

Date of Decision:- 24.10.2016

Gurskander Singh & others

....Petitioners

vs.

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. D.S. Dalee, Advocate,
for the petitioners.

Mr. T.N. Sarup, Addl.A.G., Punjab,
for respondents No. 1 to 4.

Mr. Sehajbir Singh, Advocate,
for respondents No. 5 and 6.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to implement the policy of the State Government issued vide Notifications dated 27.2.2013 and 28.8.2014. A prayer has also been made to set aside the order of Finance Commissioner conveyed through letter dated 5.3.2015 (Annexure P-14) and to direct respondent No.6 to implement the option given by petitioner No.1 (Annexure P-3).

Learned counsel for the respondents-State submits that as per directions issued by this Court, respondent No.3 passed orders on 8.5.2015, which was conveyed to the petitioners on 11.5.2015. The case of the petitioners was sent to Finance Department for guidelines and the Finance

Department has shown its inability to consider the case of the petitioners. It has also been mentioned that the petitioners have not challenged the order of the Finance Department.

Petitioners earlier filed CWP No. 4064 of 2015 before this Court, which was disposed of with the directions to consider the resolution passed by the Board of Directors of the Punjab State Co-operative Milk Producers' Federation Limited with regard to enhancement of retirement age of its employees from 58 to 60 years and to take a final decision within a period of three months from the date of receipt of certified copy of the order. It was also mentioned in the order dated 11.5.2015 that matter regarding increase of age from 58 to 60 years was considered earlier by Board of Directors and same was rejected. Even the proposal of Board of Directors dated 5.8.2014 regarding enhancement of the age of retirement was also not approved. The Registrar, Cooperative Societies, Punjab has also mentioned in this order that he was agreeing with the decision taken by the Government not to permit enhancement in the age of retirement. Petitioners have not challenged this order dated 11.5.2015 as only the directions have been sought to consider their case.

A perusal of order dated 16.3.2015 (Annexure P-13), shows that it has simply been mentioned therein that the Finance Department has shown its inability to accept the claim of the petitioners and intimation regarding the same has also been enclosed. However, the reasons have not mentioned in the aforesaid order.

Accordingly, the respondents are directed to reconsider the case

of the petitioners afresh and pass a speaking order as to how the claim of the petitioners has been rejected within a period of two months from the date of receipt of certified copy of this order. In case, the presence of the petitioners is required, they may be given an adequate opportunity of hearing.

Disposed of accordingly.

October 24, 2016
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No