

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

CWP No.21247 of 2013 (O&M)

Date of decision : 15.07.2016

Ami Lal

.. Petitioner

Vs.

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. V.S. Kajla, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J.

The petitioner who at the relevant point of time was serving as Assistant Block Education Officer instituted the present writ petition in the year 2013 assailing the order dated 13.09.2013 at Annexure P-15 passed by the Block Education Officer, Bhattu Kalan, Fatehabad in terms of which he had been relieved from service with immediate effect.

Perusal of the impugned order would reveal that the same was founded on an allegation that the petitioner had changed his date of birth in the official record from 17.05.1953 to 17.05.1958. The department had taken a view that based on the date of birth being 17.05.1953, his date of superannuation would fall on 31.05.2011. In the impugned order itself, it had been recited that the petitioner had made himself liable for disciplinary action under the relevant rules against the allegation of interpolation in official record.

Counsel appearing for the petitioner during the course of hearing today has apprised the Court that inquiry thereafter was conducted and in which the petitioner was duly associated. Counsel has produced

before this Court today a copy of order dated 03.05.2016 passed by the Additional Director Administration-I, O/o Director Secondary Education, Haryana and as per which the disciplinary proceedings have culminated in findings having been returned against the petitioner regarding change of date of birth in the official record and an amount of Rs.7,70,535/- paid as salary has been directed to be recovered along with other benefits and a cut off 5% pension has been imposed.

Faced with such a situation, counsel prays for liberty to withdraw the instant petition so as to enable him to raise a challenge to the order dated 03.05.2016 that has now been passed on all such grounds that may be available to him in accordance with law.

Prayer is allowed.

Present petition is dismissed as not pressed.

It is clarified that no opinion has been expressed as regards validity of the order dated 13.09.2013 (Annexure P-15) and the same would obviously be subject to the outcome of the proceedings that the petitioner may initiate while raising a challenge to the subsequent order dated 03.05.2016 that has now been passed in pursuance to the disciplinary proceedings having concluded.

Petition disposed of.

15.07.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**