

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 27.04.2016

CWP No.7700 of 2016

Parmohinder Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K.Arora, Advocate, for the petitioners.

1. *To be referred to the Reporters or not? Yes.*
2. *Whether the judgment should be reported in the Digest? Yes.*

RAJIV NARAIN RAINA, J. (ORAL)

The writ court does not work like a medical doctor does administering prophylactic doses to those who present onset of illness but have not been diagnosed sick or dying. Court jurisdiction in judicial review of administrative action ignites when an adverse order is passed or there is inaction in the administration affecting valuable rights of litigants and citizens for the wrong reasons. No adverse action has been taken against the petitioner so far by an order made in writing. If an order has been conveyed to the petitioner that he is due to retire and will be treated as such on superannuation on June 30, 2016, it is neither adverse to his interest nor does it foreclose his case for extension in service in terms of the Punjab Government policy as may be adopted by the respondent Corporation. It also does not inevitably mean the case will be refused. There is no such evidence available on record to suggest

such a thing. The question of extension in service presupposes the event of superannuation which date is yet to come. Mere apprehension of future right deprivation is not enough to entertain a petition on the assumption that the relief claimed will not be granted, to justify issuance of advance interim orders mandamus to the respondents to continue the petitioner in extension after superannuation based on his option exercised, without coming into being an adverse order clearly suggesting as much. An order of retirement in the normal course of superannuation is only a reminder of an inevitable event for person retiring from service to take appropriate steps and complete paper-work which cannot be treated as adverse. The time has not ripened for remedy-seeking since cause of action has not presented itself. In its classical role the writ court works best in service law on accrual of cause of action and right to sue when both get married and person feels aggrieved by administrative action or inaction when clear right has been ignored. In this case the marriage has not been solemnized as yet. Judicial discipline requires restraint in interference at this stage. It will not be proper to intervene for the heck of it.

As a result, the present writ petition is found premature and accordingly it is dismissed.

However, the dismissal will not preclude the petitioner to approach this Court again in case he feels aggrieved by any future action of the respondents which may at the same time unreasonably deprive him of any of his rights or discriminated against without just cause or legal justification.

27.04.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE