

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

CWP No. 17193 of 1996 (O&M)

Date of decision : April 24, 2017

Mrs. Krishna Sood

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.K Sharma, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG Haryana

Ajay Tewari, J (Oral)

By this writ petition, the petitioner claims that she could not have been retired at the age of 58 years but had to be retired at the age of 60 years.

The ground taken is that originally the age of retirement was 60 years for inferior servants but the Supreme Court in Paiara Lal v. State of Punjab and another, 1997(4) RSJ 1, held as follows :-

“..... There is no dispute before us that the age of retirement is a condition of service and that the age of retirement in PEPSU for class IV employees including constables was 60 years. Inasmuch as, there is no previous or general approval after 1.11.1956 to vary the age of superannuation from 60 years to 58 years, it was not open to the Superintendent of Police, Punjab to retire the appellant on completion of 58 years.”

In the written statement, however, it has been pleaded that prior

to her retirement, the petitioner had been promoted as senior pharmacist which was a class III post and consequently she could not be given the benefit of the judgment in Paiara Lal's case (supra).

Admittedly, no replication has been filed. In the circumstances, it has to be held that at the time of retirement, the petitioner was working on a class III post. Consequently, finding no merit in this writ petition, the same is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

April 24, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No