

CWP No. 12204 of 2012

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

**CWP No. 12204 of 2012
Date of Decision: 20.11.2017**

Sub Inspector Ram Kishore

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.K. Malik, Senior Advocate, with
Mr. Tejpal Singh Dhull, Advocate,
for the petitioner.

Mr. R.K. Doon, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 14.11.2017, Mr. R.K. Malik, learned senior counsel appearing for the petitioner, submits that as a matter of fact the petitioner was reinstated in service on 28.12.2011, after he was issued a warning as a culmination of the disciplinary proceedings initiated against him, and therefore, on the date that the impugned order Annexure P-8 was passed (in CWP No. 12204 of 2012), on 12.06.2012, he was very much in service pursuant to his reinstatement.

Hence, the impugned order having been passed one day prior to the petitioner being ordered to be retired at the age of 55 years w.e.f. 13.06.2012, there is an obvious violation of Rule 19.1.8 (1) (c) of the Punjab Police Rules, 1934 (as applicable to the State of Haryana), which is reproduced hereinunder:-

“9.18 Retiring pension:- (1) Notwithstanding anything contained in these rules, a retiring pension is granted to an officer.

CWP No. 12204 of 2012

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(c) who is retired by the appointing authority on or after he attains the age of 55 years, by giving him not less than three months' notice."

Thus, he submits that no notice having been issued to the petitioner at all before retiring him and no salary in lieu of three months notice also having been paid to him, as per the impugned order, it deserves to be quashed on that ground alone.

It is not stated anywhere in the written statement filed on behalf of the respondents, that the petitioner was given salary of three months in lieu of the statutory notice required to be issued in terms of the aforesaid Rule.

Consequently, this petition is allowed and the impugned order, Annexure P-8 is quashed, with the petitioner now to be deemed to have been in service till the normal age of superannuation, i.e. 58 years.

He would be paid consequential benefits thereof within a period of three months from the date of receipt of a certified copy of this order.

Costs of Rs. 5,000/- shall also be paid to the petitioner personally by the officer who passed the impugned order, Annexure P-8.

November 20, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes