

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26056 of 2013

Date of Decision:-11.01.2017.

Karambir Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. P.K. Sachdev, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has questioned the validity of Annexure P-1 dated 31.8.1998 by which he has been retired compulsorily on medical ground. Petitioner is stated to have appointed as a Driver and his services were regularized in the year 1991. While he was in service, his eye sight was not proper for the purpose of functioning as a Driver of the respondents-Haryana Roadways. Thus, the respondents have taken a decision to retire the petitioner compulsorily on medical ground. The petitioner approached this Court in CWP No.5783 of 2001. This Court passed the following order on 8.8.2002:-

“The controversy in this case is squarely covered under the judgment rendered in Reghubir Chand's (supra). Therefore, the present petition is allowed. The order Annexure P-2 is quashed. The

petitioner would be entitled to his invalid pension in accordance with law. The claim of the petitioner would be processed and finalised within a period of two months from the date of receipt of certified copy of the order. Further payment on such basis shall be made within a period of one month thereafter. No costs.”

2.) Pursuant to the above order, the respondents have granted invalid pension to the petitioner vide order dated 22.10.2002. Thereafter, the petitioner kept quiet from 2002 to 2013 and he has also not questioned the order passed in CWP No.5783 of 2001 to contend that he is entitled for alternative appointment under the Act called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Therefore, the petitioner has not made out a case so as to question the validity of the compulsory retirement order dated 31.8.1998. The petitioner has already suffered an order in the earlier litigation before this Court wherein this Court has examined petitioner's claim with reference to compulsory retirement order dated 31.8.1998 and granted invalid pension and the same has been complied by the respondents.

3.) On the other hand, learned counsel for the respondents submitted that there is inordinate delay and laches on the part of the petitioner in questioning the order dated 31.8.1998 for the second time. This Court has already examined the order of compulsory retirement dated 31.8.1998 in CWP No.5783 of 2001. Therefore, at the best, the petitioner had the remedy of filing LPA and not the present writ petition. Thus, the petitioner has not made out a case so as interfere with the order dated 31.8.1998 once again by this Court.

4.) Heard learned counsel for the parties.

5.) Challenge to the order dated 31.8.1998 in the present petition is for the second time for the reasons that in identical circumstances relief has been granted. The petitioner had already approached this Court on earlier occasion in the year 2001 and this Court in CWP No.5783 of 2001, while considering the order of compulsory retirement specifically directed that the petitioner is entitled for invalid pension and the same has been granted by the respondents vide order dated 22.10.2002. Thus, the petitioner has not made out a case to as to interfere with the order dated 31.8.1998.

6.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 11, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.