

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

**CWP No.3188 of 2017 (O&M)
Date of decision : 02.03.2017**

SI Babu Ram

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J.(ORAL)

The petitioner was working as a Sub Inspector of police and was retired at the age of 55 years. The primary challenge raised in the petition is that this could have been done only by an order passed by the Inspector General of Police after obtaining approval from the State Government.

Learned Assistant Advocate General has on facts pointed out that the order to retire the petitioner was passed on the file by the Inspector General of Police but has accepted that no approval of the State Government was taken. As per her this approval would not be required in the case of the petitioner but would only be required where a person has to retire after completion of 25 years of service. As per her this is the only intention and the difference between Rule 9.18 (1) and Rule 9.18 (2).

Learned counsel for the petitioner has however argued that this matter is no longer *res integra*. In an identical situation similarly situated persons who had been ordered to be retired at the age of 55 years had filed **CWP No.8138 of 2012** and the same was allowed by a Co-ordinate Bench on 15.01.2014 (Annexure P-10). The respondents had challenged it by way of filing **LPA No.725 of 2014** and that appeal was dismissed by judgment and order dated 14.01.2015 (Annexure P-11) and as per him that order was also carried by the respondents in SLP but the same was also dismissed by the Supreme Court by judgment and order dated 12.07.2016 (Annexure P-12).

A perusal of the decision of the Division Bench shows that their lordships considered not only note 2 of Sub-Rule 2 of Rule 9.18 but also note 2 Sub Rule 1 of Rule 9.18.

In the circumstances, it is not open to this Court sitting in single Bench to re-visit the exposition of law.

Consequently, the impugned order (Annexure P-9) is quashed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

02.03.2017

pooja sharma-I

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No