

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2322 OF 2018
DECIDED ON: FEBRUARY 19, 2018

DR. YASH PAL

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kapil Kakkar, Advocate,
for the petitioner.

JASPAL SINGH, J

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus, directing the respondents to pass the appropriate order formally retiring the petitioner from service on his attaining the age of superannuation as per Rule 3.26 (a) of Punjab Civil Services Rules, Vol.1, Part 1 and grant him pension as per Rule 5.27 or Rule 5.32 (1) of Punjab Civil Services Rules, Vol.2 and also grant him all the other retiral benefits due to him along with interest.

2. The contention of learned counsel for the petitioner is that on 20.08.2002, petitioner had applied for special leave for five years as per instructions 08.05.2002 issued by the State of Punjab but no action was taken. Subsequent thereto, on 25.04.2003, he sought voluntary retirement as per instructions dated 08.05.2002 and deposited three months salary but no order

regarding acceptance of resignation was passed. Thereafter, he approached the respondents on 10.01.2016 as well as on 15.02.2017 to allow him to join duty but no action was taken. Now, on 21.06.2017, petitioner completed 58 years of age and as per CSR Rules, he attained the age of superannuation on 30.06.2017 but till date neither any formal order retiring the petitioner from service has been passed nor any retiral benefits have been disbursed to the petitioner. Even representation dated 19.07.2017 (Annexure P-9) was moved to the respondents but it also did not fetch any reply.

3. Learned counsel for the petitioner further submits that petitioner feels satisfied in case direction is issued to respondents No. 1 and 2 to decide representation dated 19.07.2017 (Annexure P-9), within a stipulated period.

4. Without expressing any opinion on the merits of the case, the instant petition is disposed of with the direction to respondents No. 1 and 2 to consider the case of the petitioner unfolded in representation dated 19.07.2017 (Annexure P-9) and to take a conscious decision, in accordance with law, Rules, regulations and instructions issued by Government from time to time, within a period of 3 months from the date of receipt of certified copy of this order.

5. However, if the petitioner still feels aggrieved against any of the order(s) passed by the concerned authority, he shall be at liberty to have recourse to the other remedies available to him as well as to approach this Court.

FEBRUARY 19, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***