

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

CWP-3137-2018

Date of Decision: February 12, 2018

Radhey Shyam

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. J.C. Kapoor, Advocate,
for the petitioner.

ARUN PALLI, J. (ORAL)

Notice of motion.

Mr. Suvir Sehgal, Senior Standing Counsel, Chandigarh Administration, and Ms. Deepali Puri, Advocate, present in the Court, accept notice on behalf of respondent No. 1 and respondent Nos. 2 to 4, respectively. Copies furnished.

For the nature of order, I propose to pass in the matter, no formal written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

The petitioner was engaged as a Baildar with the Chandigarh Administration w.e.f. 01.05.1987. He is aggrieved by an order dated 25.04.2017 (Annexure P-4), pursuant to which he has been retired from service on attaining the age of superannuation, on 30.04.2017. Limited grievance, the petitioner has is; that he was born on 07.03.1966 and, would, thus, superannuate on 31.03.2026 and not on 30.04.2017. He purports to

have even represented to the respondents, vide legal notice, dated

12.05.2017 (Annexure P-5). But to no avail. Likewise, the reminder dated 05.09.2017 (Annexure P-6), the respondents have been served with, has also failed to evoke any response. He alleged to have appended with his representation, a certificate issued by the Registrar, Births and Deaths, which shows his date of birth to be 07.03.1966. Copy of the Family Register issued by the Village Development Officer also shows that the petitioner was born on 07.03.1966. So is the position in the Aadhaar Card No. 900044957279, issued by the government. Not just that, the dependent card, dated 29.01.2001 (Annexure P-3), issued by the respondent Corporation, also substantiate the claim of the petitioner. That being so, he prays that the petitioner be taken back in service w.e.f. 01.05.2017 without consequential benefits.

In response, learned counsel for the respondents submit that the claim of the petitioner as also his legal notice dated 12.05.2017 (Annexure P-5) and the reminder dated 05.09.2017 (Annexure P-6), shall be considered and dealt with, within a period of six weeks from today. And, appropriate orders, in accordance with law, shall be passed and communicated to the petitioner.

The petition is accordingly disposed of in the above terms. However, in the event the claim of the petitioner is declined, the respondent authorities shall pass a comprehensive order, after affording an opportunity of hearing to the petitioner, by assigning reasons in support thereof.

(ARUN PALLI)
JUDGE

February 12, 2018
P Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO