

(114) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.601 of 2018 (O&M)
in CWP No.21531 of 2013
Date of decision: 24.04.2018

Haryana Urban Development Authority and another

..... Appellants

Versus

Mohinder Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Suvir Sehgal, Advocate and
Mr. Akshay Sethi, Advocate for the appellants.

Rajesh Bindal, J.

Order passed by the learned Single Judge dated 15.07.2016 disposing of the writ petition in terms of an earlier order passed by this Court on 14.01.2014 in CWP No.6728 of 2013 titled as Randhir Singh v. Chief Administrator, HUDA and others and further order dated 10.01.2018 dismissing application for modification of the aforesaid order have been impugned by filing the present intra-court appeal.

Challenge in the writ petition filed by the respondent was to the order retiring him compulsorily as he had failed to pass type test despite grant of numerous opportunities after he was promoted as Clerk from Peon. It was conceded that the issue raised in the writ petition was covered by an earlier order passed by this Court in Randhir Singh's case (Supra). In that case, the employee was permitted to be reverted back to the post of Peon.

In the case in hand, initially when the writ petition was filed, interim stay was granted. Hence, the respondent continued in service as a Clerk till the writ petition was disposed of on 15.07.2016 and was retired on attaining the age of superannuation i.e. 58 years, on 31.07.2016 from the post of Clerk.

As in Randhir Singh's case (Supra), he was permitted to be reverted back to the post of Peon for which the age of superannuation is 60 years, the respondent is entitled to continue in service till he attains the age of 60 years on the post of Peon. This is what was decided in Randhir Singh's case (Supra) in terms of which writ petition was disposed of, concededly being covered.

In view of the aforesaid facts, there is no error in the order passed by the learned Single Judge.

The present appeal is accordingly dismissed. Consequently, the accompanying application seeking condonation of delay in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

24.04.2018
amit

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.