

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-227-2018 (O&M)
in CWP-6377-2001
Date of decision: 06.10.2018

Gurnam Singh Sewak

.....Applicant

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Ms. Deepali Puri, Advocate
for the applicant-respondent No.2.

A.B. CHAUDHARI, J. (Oral)

CM-12250-2018

This is an application filed under Section 151 CPC for condonation of delay of 35 days in re-filing the Review Petition.

Application is allowed, as prayed for, subject to all just exceptions.

Delay of 35 days in re-filing the review petition, is condoned.

CM-12252-2018

This is an application filed under Section 151 CPC for exemption from filing the certified/typed copies of the annexures.

Application is allowed, as prayed for, subject to all just exceptions.

CM-12251-2018

This is an application filed under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 14 days in filing the Review Petition.

Application is allowed, as prayed for, subject to all just exceptions.

Delay of 14 days in filing the Review Petition, is condoned.

RA-CW-227-2018

Heard learned counsel for the applicant-respondent No.2.

Learned counsel for the the applicant-respondent No.2 vehemently argued that as a matter of fact, the Committee as well as Full Court had continued the services of the petitioner beyond 58 years. Therefore finding recorded by this Court is factually incorrect and an error apparent on the face of record.

After hearing learned counsel for quite some time and having perused the finding as well as Punjab Civil Services Rules, Volume-I, Part-I, in Rule 3.26 Clause(a), this Court recorded the following finding:-

“.....Superior Judicial Services shall be required to retire on attaining the age of sixty years if High Court is satisfied of his continued utility to the Judicial system on objective assessment of his work, conduct and integrity and also keeping in view the reputation acquitted by him as a Judicial Officer and has passed an order in this regard, otherwise the Judicial Officer will retire at the age of fifty eight years.

A perusal of the above amended Rules shows that the retirement is 60 years; only if the High Court is satisfied of his continued utility to the Judicial system on objective assessment of his work, conduct and integrity and also keeping in view the reputation acquired by him as a Judicial Officer. It is thus, clear from the first part of the amended proviso that it is none of the right of the petitioner to claim that he would continue beyond the age of 58 years upto the age of 60 years and would retire at the age of 60 years whether or not the High Court is satisfied about requirement stipulated above. To put in other words, it is for the High Court to get satisfied whether an officer is required to be continued after 58 years and whether continued utility of such officer in judicial system is required

or not. We will have to therefore, reject the submission made by the learned counsel for respondent No.2-High Court that the age of retirement would be 60 years in ordinary course.”

In that view of the matter, we do not find any merit in the petition and therefore, the same is dismissed.

(A.B. CHAUDHARI)
JUDGE

(INDERJIT SINGH)
JUDGE

06.10.2018

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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No