

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

CWP No.19725 of 2016 (O&M)
DATE OF DECISION : 22nd JANUARY, 2019

Shri Ram Singh Yadav

.... Petitioner

Versus

Union of India and others

.... Respondents

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

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Present : Mr. S. K. Sharma Budhladawale, Advocate
for the petitioner.

Mr. V. K. Kaushal, Advocate for the respondents.

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A. B. CHAUDHARI, J. (Oral)

Pursuant to the last order the counsel for the petitioner makes statement that he has checked up whether there is any order giving jurisdiction to Central Administrative Tribunal (CAT). He, however, stated that there is none. Accepting the statement we proceed further.

This petition is filed by the Ex-Head Constable working in Central Industrial Security Force (CISF), who was compulsorily retired from the service. The only prayer made in the petition is that despite repeated requests to supply documents pertaining to his compulsory retirement from service, they are not being supplied and that is why the petition could not be filed to challenge the order of compulsory retirement.

Per contra, learned counsel for the respondents has invited our attention to Section 24 of the Right to Information Act and he submitted that the said provision creates a bar from claiming such documents.

Counsel for the petitioner then submits that the said provision is clearly violative of Article 14 of the Constitution of India and this Court may examine the same and pass proper order on this point.

In our opinion, the petitioner will lose the substantive remedy regarding the order of compulsory retirement, if the present petition is admitted and not heard in near future. We find that in the process, the petitioner would lose the limitation since the time has started running against him. Since there is no challenge to the order of compulsory retirement, we think that the petitioner should be allowed the liberty to file a fresh petition, mainly to include the challenge to the order of compulsory retirement and incidentally the prayer for supply of document if otherwise available in law can also be made in the petition. But then the main issue is regarding the order of compulsory retirement and the validity thereof. In response to the petition certainly the respondents are bound to show to the Court or disclose the stand in relation to the order of compulsory retirement so that the petitioner can challenge the said order on proper grounds. In our opinion this will also avoid the multiplicity of the litigation.

In view of the above observations, the petition is disposed of with liberty to the petitioner, *inter alia*, to challenge the order of his compulsory retirement by filing appropriate petition. The petitioner will file such petition within a period of 15 days as stated by learned counsel for the petitioner.

(A. B. CHAUDHARI)
JUDGE

22nd JANUARY, 2019
'raj'

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>