

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1609 of 2019 (O&M)
Date of Decision :20.09.2019

Devi Lal

.....Appellant

Versus

Haryana Urban Development Authority, HUDA and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Ashwani Bhardwaj, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, is directed against the order dated 27.05.2019, passed by the learned Single Judge, dismissing the writ petition, filed by the appellant seeking a writ of certiorari for quashing the order dated 30.04.2016/13.05.2016, retiring him compulsorily from service, having failed to pass the requisite type test. Learned Single Judge relying upon the judgment of another learned Single Judge rendered in the case of **Kulwant Singh v. State of Haryana and another** (CWP No.13917 of 2010, decided on 28.04.2011), wherein identical issue was involved, dismissed the writ petition. It is to be taken note of that the judgment rendered in **Kulwant Singh (supra)** came to be affirmed by a Division Bench of this Court in LPA No.972 of 2011, vide judgment and order dated 30.05.2011, with which we are in respectful agreement. Perusal of the record goes to show that the appellant has continuously remained unsuccessful in passing the typing test and as such his professional utility as a Clerk is considerably reduced and no fault can be

found if he has been compulsorily retired in accordance with the Rule 3.26(d) of the Punjab Civil Services Volume-I Part-I, which are applicable to the appellant providing for weeding out the inefficient employee who has lost utility.

Learned counsel for the appellant referring to Annexure A-1, vehemently contends that the appellant was permitted to appear in the departmental typing test on 19.09.2018, and was declared successful in the said test as such he could not have been compulsorily retired. Admittedly, the petitioner passed the typing test after 55 years of age and after being compulsorily retired, he continued in service on the strength of the interim order passed in the writ petition. The passing of the typing test after being compulsorily retired would be of no avail to the appellant and the argument advanced by learned counsel for the appellant in this regard has no legs to stand.

In view of the above facts and discussion, we see no illegality reflected in the impugned judgment of the learned Single Judge, which may require any interference. The appeal being devoid of merit and accordingly stands dismissed. Since the appeal itself has been dismissed, no orders are required to be passed in CM No.3601-LPA of 2019 for adducing additional evidence.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.09.2019

Manoj Bhutani

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