

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.3793 of 2017(O&M)

Date of Decision:-26.11.2019

Manpreet Singh.

.....Petitioner.

Versus

Union of India & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE GIRISH AGNIHOTRI**

Present:- Mr. Surmukh Singh, Advocate for the Petitioner.

Mr. Namit Kumar, Advocate for the respondent.

JASWANT SINGH, J.(ORAL)

Petitioner was engaged as Gramin Dak Sewak on contract basis and posted at a Post Office by the Department of Post, Ministry of Communication and IT, Chandigarh Bench on 07.04.2014.

Notice of termination of service was issued on 18.11.2015 (A-12) under Rule 8(1) of the Gramin Dak Sewak Conduct & Engagement) Rules 2011 seeking to terminate the services on expiry of one month, concededly on the ground that the petitioner was not eligible on the last date of filling up of application form as per the advertisement dated 22.01.2014, in as much as he was six months below the minimum required/prescribed 18 years of age. Since the

factual position was correct, the services of the petitioner stood terminated on the expiry of the said month.

The petitioner filed an original application before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh assailing his termination, primarily on the ground of no misrepresentation or concealment on his part. The learned Tribunal vide order dated 24.10.2016 (Annexure **P-4**) dismissed the application rightly holding that the petitioner was much below the minimum prescribed age on the last date of submission of the application form for engagement and hence not eligible under the aforesaid Rules. Hence the present Writ Petition.

Upon notice reply stands filed on behalf of the respondents. On the date of hearing on 16.07.2019 the following order was passed:-

“ In compliance of order dated 10.09.2018, record has been produced.

It is conceded that there was absolutely no misrepresentation of any information on part of the petitioner while tendering his application form for engagement as Gramin Dak Sewak. We find that it was the fault of Department to have treated him eligible in spite of being under age.

At this stage, Mr. Namit Kumar, Advocate prays for time to impress upon the respondent -Department to consider the case for issue a fresh order of engagement as Gramin Dak Sewak, subject to the petitioner foregoing all previous claims, as counsel for the petitioner has agreed to file the undertaking of his client to the aforesaid effect.

List for further consideration, adjourned to 14.10.2019.

To be taken up in the urgent list.

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The Department could not accommodate the petitioner in

terms of the proposal made in the aforesaid order dated 16.07.2019.

At the time of resumed hearing, counsel for the petitioner prays for permission to withdraw the present writ petition as his client has since been employed elsewhere.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

(GIRISH AGNIHOTRI)
JUDGE

November 26, 2019
Vinay

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