

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

**(108) CM-6907-CWP-2020 in/and
CWP-4645-2020
Date of Decision: July 30, 2020**

Santokh Singh .. Petitioner

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madhav Pokhrel, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

File has been taken for hearing through video conference due to Covid-19 pandemic.

CM-6907-CWP-2020

Present application has been filed for preponing the date of hearing of the main writ petition i.e. CWP No.4645 of 2020, which stands adjourned to 16.10.2020.

Learned counsel for the petitioner states that the petitioner had approached this Court with regard to the denial of the benefit of extension in service despite the fact that the petitioner is disabled and according to the Govt. Instructions, the disabled employees are entitled to continue in service upto the age of 60 years and the petitioner has already been relieved from service on 31.05.2020 though petitioner is yet to complete 60 years of age and therefore, the delay in hearing of the writ petition is causing prejudice today.

Notice of the application.

At the asking of the Court, Ms. Simran Grewal Randhawa, Assistant Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of the respondents.

Learned counsel for the respondents-State raises no objection for the grant of prayer as raised in the present application.

Consequently, the application is allowed and hearing of the main writ petition i.e. CWP No.4645 of 2020 is preponed for today.

CWP-4645-2020

Learned counsel for the petitioner argues that the petitioner who was working with the Punjab Home Guards has been ordered to be retire without giving him the benefit of extension in service upto the age of 60 years, though admittedly, the petitioner is a disabled employee.

The challenge in the writ petition is to the order dated 10.07.2019 (Annexure P-7) which has been passed by a Junior Staff Officer (Training) for Additional Director General of Police Home Guards and Civil Defense, Punjab, Chandigarh.

Learned counsel for the petitioner, during the course of hearing, submits that the competent authority to decide whether the instructions issued by the Government of Punjab will be applicable upon the Department of Home Guards and Defence Service is respondent No.1, therefore, petitioner be allowed to withdraw this petition at this stage with liberty to file a representation before respondent No.1 i.e. Department of Home Affairs seeking the benefit of extension in service till the petitioner attains the age of 60 years, for which petitioner is entitled for, being physically disabled.

Learned counsel for the petitioner further submits that though the petitioner is physically disabled and is yet to complete 60 years of age, but he has already been relieved from service on 31.05.2020, hence, respondent No.1 may be directed to decide his representation expeditiously by passing a speaking order in a time bound manner.

Learned counsel for the respondents-State very fairly states that in case the petitioner files any representation, the same will be decided by respondent No.1 within a period of three months of the receipt of the same by passing an appropriate speaking order.

Keeping in view the statement of learned State counsel, learned counsel for the petitioner prays that he be allowed to withdraw this writ petition with liberty to approach respondent No.1 for the redressal of the grievance.

Ordered accordingly.

It is made clear that keeping in view the undertaking recorded on behalf of the State, in case any representation is filed by the petitioner seeking extension in service upto the age of 60 years, the same will be disposed of within a period of three months from the receipt of the same. It is further made clear that this Court is expressing no opinion on the merits of the case or the claim being made by the petitioner in the present writ petition or to be made in the representation to be filed hereinafter, at this stage.

(HARSIMRAN SINGH SETHI)
JUDGE

July 30, 2020
harsha/naresh.k

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