

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 10054 of 2020

Date of Decision: 17.12.2020

Ram Kumar Khanagwal

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ravinder Kumar Rana, Advocate
for the petitioner(s).

Mr. Rohit Arya, Deputy Advocate
General, Haryana for the respondents.

Anil Kshetarpal, J.

The petitioner has assailed the correctness of the order dated 03.07.2020 by filing a writ of certiorari. By the aforesaid order, the petitioner was prematurely retired.

Mr. Rohit Arya, Deputy Advocate General, Haryana has drawn attention of the Court to Clause XVIII of the revised policy/guidelines issued by the State of Haryana on 05.02.2019. He submits that the petitioner has an effective remedy of filing a representation against the order of premature retirement. The clause XVIII of the instructions read as under:-

“XVIII) **Submission of representation and consideration thereof:**

A Government employee, who has been served with a notice/order of premature retirement under the provisions mentioned above, may submit a representation within three weeks from the date of service of such notice/order, which, in exceptional circumstances may be extended upto next

two weeks on the request of the Government employee concerned. On receipt of a representation, the HOD or Administrative Secretary concerned shall examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks from the date of receipt of the representation. After such examination, the case should be placed before the AD or Officer's Committee as the case maybe for consideration. The Administrative Committee shall take final decision on the representation and further action will be taken by the HOD/Administrative Department accordingly".

After arguing for some time, learned counsel for the petitioner prays for permission to withdraw the writ petition with liberty to make a representation before the competent authority as per clause XVIII, referred to above.

In view of the request, the writ petition is dismissed as withdrawn with the liberty aforesaid. If the petitioner makes a representation within 15 days from today, the same shall not be rejected only on account of delay in filing the representation.

(Anil Kshetarpal)
Judge

December 17, 2020
"DK"

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