

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CM-2790-CWP-2020 in/and
CWP-15895-2015
Date of decision: 18.02.2020

Lalit Kumar

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

GIRISH AGNIHOTRI, J. (Oral)

CM-2790-CWP-2020

This application has been filed by the petitioner *inter alia* praying
for fixing the case for an actual date of hearing.

Notice of the application.

Ms. Safia Gupta, AAG, Haryana, accepts notice on behalf of the
respondents.

Application is allowed.

With the consent of counsel for both the parties, main writ
petition is taken up on board today itself.

Main case

Learned counsel for the petitioner submitted that the impugned
order dated 28.07.2015 (Annexure P-1) was passed, whereby the petitioner

was conveyed the ACRs and also letter dated 20.07.2015 (Annexure P-10).

A perusal of the order dated 28.07.2015 shows that the Competent Authority had observed that the petitioner is not fit to be retained in service beyond the age of 55 years. It was therefore ordered that he should be relieved from his duty on 31.07.2015.

Learned counsel for the petitioner makes two-fold submissions. Firstly, he submits that on the date, when order dated 28.07.2015 was passed, the petitioner was approximately of the age of 55 years. He submits that therefore the petitioner has already crossed the age of retirement as on today. Secondly, he submits that against the said order, statutory appeal is maintainable. However, the petitioner as so advised, filed the present writ petition on 31.07.2015. The records of the case show that on 05.08.2015, notice of motion was issued. However, during pendency of the writ petition, the petitioner has already crossed the age of retirement i.e.58 years.

Learned counsel then submits that he has instructions to submit that the petitioner would like to avail his remedies of filing an appeal against the order. He further makes a request that the direction be given to the Appellate Authority to decide the case on merits and the issue of delay be not taken up in view of the fact that the petitioner had been pursuing his remedy in the present writ petition since 31.07.2015.

Learned State counsel submits that the State would not raise any objection regarding limitation if the petitioner files an appeal within one month from the date of receipt of certified copy of this order.

The present writ petition is therefore **disposed of** with the

direction if the petitioner files an appeal within one month from the date of receipt of certified copy of the order, the Appellate Authority may expeditiously decide the appeal in any case, maximum within six months from the date of filing the appeal.

(GIRISH AGNIHOTRI)
JUDGE

18.02.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No