

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

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**CWP No.18513 of 2020
Decided on: 04.11.2020**

Chander Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present : Mr. A.S. Tewatia, Advocate
for the petitioner.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawal, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the order dated 30.10.2020 (Annexure P-7) whereby the petitioner's request for retirement at the age of 60 years has been rejected.

Admittedly, the petitioner has been retired on 31.10.2020 at the age of 58 years on account of the fact that he is not class IV employee and had been promoted as Assistant Manager. The respondents had relied upon the regulation 16.1(a) of the Staff Service Rules of the Haryana State Cooperative Agriculture and Rural Development Bank Ltd., Panchkula, which reads as under:-

“16.1(a) Every employee except class IV employees appointed in the service shall retire on attaining the age of 58 years. The class IV employees shall retire on attaining the age of 60 years.

Further physically handicapped employees of Class-I to

Class-IV categories who possess the minimum degree of disability of 70% shall retire on attaining the age of 60 years.”

The only argument which has been raised is that at the time of the promotion on 22.02.2012 to the post of Assistant Manager it was not brought to the notice of the petitioner that his retirement age would be reduced from 60 years to 58 years.

It is thus apparent that petitioner has enjoyed the perks of Assistant Manager in a higher pay band since he was appointed as a Peon in 1978 and was thereafter in the pay-scale of Rs.5200-20200 with grade pay of Rs.1900/-. Thereafter he was promoted as clerk in 1989 and then as Assistant Manager whereby his pay-scale was of Rs.9300-38400 with grade pay Rs.3600/-. The petitioner thus cannot have the best of both worlds that he could enjoy a longer tenure but also enjoy the perks of status of higher post from 1989 years. He is equally bound by rules and regulations which has been reproduced above being the employee and should have been aware of the rules and it was open to the petitioner either to accept or not the promotion as Clerk in the year 1989.

Accordingly, the present writ petition is misconceived and the same is dismissed in limine.

04.11.2020

Parveen

(G.S. SANDHAWALIA)
JUDGE

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