

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

**CWP No. 20710 of 2020 (O&M)
Date of Decision:22.12.2020**

Narender Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Puneet Gupta, Advocate for the petitioner.

Mr. Parvesh K. Saini, Advocate for the respondents.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Challenge in the instant petition is to the order dated 19.09.2020 (Annexure P-3) whereby the petitioner who was serving as Syce is directed to be compulsorily retired w.e.f. 31.12.2020 on administrative grounds.

Petition had come up for preliminary hearing before a Co-ordinate Bench of this Court on 03.12.2020 and while issuing notice of motion as also notice re:stay, the following order was passed:-

“ *This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.*

Learned counsel for the petitioner inter alia submits that the impugned order dated 19.09.2020 (Annexure P-3) has been wrongly passed in exercise of

power under Article 459 Clause(h) of the Civil Service Regulations in as much as the said Regulation is applicable only to an employee aged fifty five(55). Petitioner, it is stated, is only 49 years old, his date of birth being 18.02.1971.

Notice of motion.

Notice re: stay.

Mr. Parvesh K. Saini, Advocate, accepts notice on behalf of all the respondents. Advance copy of the paper book has been supplied to him. Learned counsel for the respondents prays for time to file reply/seek instructions. May do so well before the adjourned date.

At request adjourned to 21.12.2020.”

Mr. Parvesh Saini, Advocate, enters appearance on behalf of all the respondents. Even a reply on behalf of the respondents has been filed and placed on record and copy furnished to counsel opposite.

Mr. Parvesh K. Saini, Advocate upon instructions from The Commandant, Equine Breeding Stud., Hisar, very fairly concedes that the impugned order dated 19.09.2020 (Annexure P-3) has been wrongly passed by invoking power under Article 459 (h) of the Civil Service Regulations. Counsel as such seeks liberty for passing an order afresh.

In view of the above, the order dated 19.09.2020 (Annexure P-3) is set aside.

Liberty is granted to the respondents to proceed further in the matter in accordance with law and under the relevant applicable rules and regulations.

Writ petition is disposed of.

It is clarified that this Court has not examined the case on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

December 22, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No