

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

**CWP-22014-2020(O&M)
Date of Decision: 18.12.2020**

Udey Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Johan Kumar, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. AG, Haryana.

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.

As per pleadings on record petitioner was appointed as Sanskrit Teacher under the Haryana State Education Department on 29.01.1992.

Apparently petitioner submitted his claim seeking voluntary retirement (VRS) on 05.02.2020 (Annexure P-2). It has been averred that along with the application petitioner also deposited the service book on the same very day. As per counsel the Block Education Officer concerned had forwarded the application of the petitioner seeking VRS as also the service book to the District Elementary Education Officer concerned.

The short grievance raised in the petition is that no decision on the application seeking VRS has been taken till date.

Counsel has adverted to Rules 146 and 148 of the Haryana Civil

Services (General) Rules, 2016 wherein a Government employee of any group may by giving a notice of not less than three months in writing to the Appointing Authority, seek voluntary retirement from service on completion of minimum 20 years' qualifying service irrespective of the age. Furthermore, as per proviso to Rule 148, where the appointing authority does not refuse the request of voluntary retirement before the expiry of the notice period, the retirement is to become effective from the date of expiry of the said period.

It is the contention raised by counsel that petitioner has completed the minimum 20 years' qualifying service and as such he is vested with a right of his request seeking a VRS to be dealt with under Rule 146 of the 2016 Rules.

Notice of motion.

Mr. Sharan Sethi, learned Addl. AG, Haryana accepts notice on behalf of the respondents and waives service.

A complete copy of the petition already stands furnished.

Keeping in view the issue at hand this Court is of the considered view that there would be no requirement of seeking a written response to the writ petition.

Learned State counsel would very fairly submit that in case the request of the petitioner seeking voluntary retirement from service (VRS) is pending as of date, the same would be considered strictly in accordance with law and as per provisions contained under the Haryana Civil Services (General) Rules, 2016 and a final decision would be conveyed to the petitioner positively within a period of six weeks from today.

Statement is accepted.

No further directions are required to be passed.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.12. 2020
sunita

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