

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

205

**CWP No.28676 of 2019 (O&M)
Date of Order:14.12.2020**

Rajbir Singh

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nilesh Bhardwaj, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition filed under Article 226 of the Constitution of India, the petitioner assails the order dated 28.06.2019, retiring the petitioner on attaining the age of superannuation i.e. 58 years.

The petitioner claims that as per Rule 143 of the Haryana Civil Service (General) Rules, 2016, the petitioner is entitled to be continue in service upto the age of 60 years as he is disabled to the extent of 75%.

On the other hand, Sh. Rohit Arya, Deputy Advocate General, Haryana, on instructions from Sh. Parvez Khokhar, District Attorney, Department of Home, Haryana, has pointed out that Rule 143 of the Haryana Civil Services(General) Rules, 2016 stands amended in the year 2017 which enables the Head of Department to take a decision as to whether an employee is required to be given extension or as to whether he is to be kept in service upto the age of 60 years or not? He submits that the petitioner did make a representation under the aforesaid amended Rule

which has been rejected on 26.10.2020. He, hence, submits that the present petition has become infructuous as the petitioner will be required to challenge the order passed on 26.10.2020.

On the other hand, learned counsel representing the petitioner submits that unless and until a copy of the order is supplied, it would not be possible for the petitioner to challenge the same.

Keeping in view the aforesaid facts, the present petition is dismissed as infructuous with liberty to the petitioner to challenge the correctness of the order dated 26.10.2020 on all possible grounds.

The Officer concerned in the Department of Home, who is stated to have passed the order dated 26.10.2020 is requested to supply copies thereof to the petitioner as well as his learned counsel forthwith.

December 14, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No