

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

**CWP No.7099 of 2021 (O&M)
Date of Decision: 01.04.2021**

Bal Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Deepak Sharma, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana for the respondents.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent Nos.2 to 5 not to retire the petitioner on 31.03.2021 i.e. on attaining the age of 58 years being 100% physically disabled employee.

In pursuance of the order dated 26.03.2021, passed by this Court, Mr. Nitin Kumar Yadav, Director General, Elementary Education, Haryana, Panchkula is present in person and has explained about the delay in compliance of order dated 24.02.2021 (P-8), passed in CWP No.4297 of 2021, titled as '**Bal Ram Versus State of Haryana and others**'.

Director General has also filed short reply by way of his affidavit dated 30.03.2021 along with Annexure R-1. The same is taken on record.

Aforesaid affidavit reveals that there were some lapses on the part of dealing officials and necessary action would be initiated against them in due course.

Explanation, given by the Officer seems to be justified and as such, the same is accepted by this Court.

Above affidavit further reveals that case of the petitioner has been considered for extension in service beyond the age of 58 years, but the same is rejected by passing a speaking order dated 26.03.2021 (R-1) while observing that Guest Teacher(s) is/are not entitled for the benefit of two years i.e. up to 60 years on account of the disability.

In view of the above development, learned Counsel for the petitioner wishes to withdraw the present petition with liberty to file fresh one with better particulars including challenging the aforesaid speaking order in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

April 1st, 2021
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>