

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-11729-2021

Date of decision: - 05.07.2021

Mohamd Khan

....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present:- Mr. Mohammad Arshad, Advocate, for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.  
(keeping in view the advance copy given).

**( Through Video Conferencing )**

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

Learned counsel for the petitioner argues that though the petitioner was promoted from the post of Peon to that of Clerk in the year 2018, but he never wanted promotion and has been requesting the respondents for allowing him to continue in the cadre of Peon for the reason that the superannuation age in the case of Class-IV Peon is 60 years, whereas, the post of Clerk is a Class-III post and the retirement age of post of Clerk is 58 years.

Learned counsel for the petitioner submits that similarly situated employees, who were also promoted as Clerk, had already made a request to respondents to revert them to the post of Peon and allow

them to continue service till the age of 60 years, which request has already been accepted by the respondents. Learned counsel for the petitioner further submits that petitioner had approached the respondents for the said relief by filing a representation dated 22.02.2021 submitted on 01.03.2021 (Annexure P-7), but the said representation is not being entertained by the respondents on the ground that no appeal lies, whereas, the present case is of a representation to the higher authorities for allowing him to continue in service. The prayer of the petitioner is that a direction be issued to the respondents to decide the representation dated 22.02.2021 though submitted on 01.03.2021 (Annexure P-7) before 31.07.2021 by passing an appropriate speaking order, as the petitioner is ready to refund the excess salary paid to him in the cadre of Clerk along with interest.

Notice of motion.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel submits that the appropriate authority to whom the said representation dated 22.02.2021 submitted on 01.03.2021 (Annexure P-7) is addressed, will decide the same by passing an appropriate speaking order within a period of two weeks from the receipt of copy of this order.

Learned counsel for the petitioner submits that keeping in view the said undertaking given by learned State counsel, he does not

want to press the present writ petition any further and the same may be disposed of as such.

Ordered accordingly.

( HARSIMRAN SINGH SETHI )  
JUDGE

July 05, 2021  
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|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |