

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

CWP-16423-2021

Date of decision:-25.8.2021

Vijay Sawroop Kaushik

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Y.P. Malik, Advocate
for the petitioner.

Mr.Sharad Aggarwal, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner Vijay Sawroop Kaushik, aged about 60 years working as Ayurvedic Doctor/Professor in MSM Institution of Ayurveda, BPS Mahila University, Khanpur Kalan, District Sonapat has brought the instant civil writ petition under Article 226/227 of the Constitution of India against respondents i.e. State of Haryana through its Chief Secretary, Haryana, Director, Higher Education, Haryana, Additional Chief Secretary, Govt. of Haryana, Health Department and BPS Mahila Vishwavidalaya, Khanpur Kalan, District Sonapat craving for issuance of a writ in the nature of mandamus directing the respondents to increase the

age of superannuation of the petitioner from 60 years to 65 years for performing only clinical duties in view of Haryana Govt. Notification dated 21.11.2016, copy Annexure P2 as has been done in case HCMS Doctors on parity basis, in light of the judgment of Hon'ble Supreme Court dated 3.8.2021 passed in Civil Appeal No.4578 of 2021 arising out of SLP(C) No.10156/2019 titled "North Delhi Municipal Corporation Versus Dr.Ram Naresh Sharma and Ors." with connected matters.

The petitioner is said to have served a legal notice dated 7.8.2021, copy Annexure P5 upon respondents through his counsel before filing of the present petition but no action has been taken thereon. As such, he has filed the present writ petition.

I have heard learned counsel for the petitioner besides going through the record and I find that in order to afford a reasonable opportunity to the respondents to consider the claim of the petitioner and if the same is found to have merit then to take remedial measures so as to avoid unnecessary litigation, it would be proper and appropriate and in the interest of justice if respondents are directed to look into the grievances of the petitioner as contained in legal notice, copy Annexure P5 in light of rules, regulations and settled law on the subject and take necessary action in the matter, in accordance with law, if it is so warranted by facts and circumstances of the case.

Ordered accordingly. A speaking order in that regard be passed by respondents within a period of one month from the date of receipt of copy of the order.

In case the petitioner still feels dissatisfied after disposal of

the representation by respondents, then he may take recourse to the legal remedy again in accordance with law.

25.8.2021

Brij

(H.S. MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No