

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

CWP-23778-2021

Date of decision: November 24, 2021

Ramesh Kumar alias Ramesh Chand

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Narinder S. Sindher, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 14.09.2021 (Annexure P-5), retiring him from service on attaining the age of 60 years.

2. Learned counsel for the petitioner submits that petitioner joined the services of the respondent-Department as Part-Time Sweeper on 02.11.1984. He submits that inadvertently, petitioner submitted a wrong certificate wherein Date of Birth was stated to be 04.09.2021. He further submits that under the instructions of the Department, petitioner got himself medically examined from the Civil Surgeon, Panipat regarding his age, who issued a certificate dated 02.04.2019 opining his age between 45-55 years.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion.

4. I have heard learned counsel for the parties and gone through the case file.

5. *Ex facie* disputed question of facts are involved herein which cannot be adjudicated in the extra-ordinary writ jurisdiction. That apart, the petitioner had on his own volition submitted his Birth Certificate (Annexure P-1) concededly way-back on 21.01.2013, and it is too belated, at this stage, to challenge what has been submitted by the petitioner on his free volition. The impugned order has been passed on the basis of the same very information. No grounds for interference are made out in the writ jurisdiction.
6. Disposed of with liberty to the petitioner to seek his civil remedy as may be otherwise available in law, if so advised.

(ARUN MONGA)
JUDGE

November 24, 2021
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No