

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

CWP-4790-2022

Date of decision: 10.03.2022

ANJULA KAPUR

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Munish Kumar Garg, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned order dated 25.09.2020 (Annexure P-17) vide which petitioner was superannuated from the post of 'Assistant Librarian' by ignoring the decision of the Executive Council dated 16.04.2010 (Annexure P-9).

2. Learned counsel for the petitioner submits that petitioner was working on the post of 'Assistant Librarian' with Haryana Institute of Public Administration (HIPA) and is entitled to continue in service up to the age of 60 years in terms of HIPA Faculty Bye Laws, 2018. He submits that as per Clause 32 (iii) of the Rules, it has been clearly specified that the age of retirement would be 60 years as applicable to the Universities established by the Government of Haryana but the respondent-Institute superannuated the petitioner at the age of 58 years vide impugned order dated 25.09.2020 (Annexure P-7). Thereafter, petitioner submitted a representation followed by reminder, but to no avail. He submits that One Dr. Joginder Singh prior to his date of

superannuation approached this Court seeking issuance of a writ in the nature of mandamus directing the respondents to implement the decision of the Executive Council dated 16.04.2010 for the post of Assistant Librarian as per Clause No.32 of the HIPA Faculty Bye-Laws, 2018. Vide office order dated 12.02.2022, respondent No.2 conceded the prayer of said Dr. Jogender Singh. He submits that respondent-Institute with ulterior motive added one line in the office order that the same be not treated as precedent for other cases. Hence, the writ petition.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion and submits that competent authority shall take decision either way, on the pending representation of the petitioner, in due course.

4. Learned counsel for the petitioner also agrees that let a final decision be taken, by the competent authority by treating the present writ petition as a supplementary representation.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner and also contentions raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.

7. Let the needful be done within a period of 30 days from today.

8. In case favourable order is passed, the same be implemented within a period of two weeks and conversely if any adverse order is passed, specific reasons be given as to why the administrative decision taken qua Dr. Jogender Singh vide Annexure P-4 is not applicable to the petitioner on the grounds of parity.

8. Disposed of accordingly.

10.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No