

Sr. No.719

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5497-2001 (O&M)

Date of decision: 25.05.2022

Dr. J.C.Bhatla

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.
Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of Certiorari quashing office orders dated 19.09.2000 and 31.03.1998, whereby request dated 16.03.1998 of the petitioner to withdraw his notice of voluntary retirement was declined. Further prayer is for a declaration to the effect that the petitioner continues in service of Haryana Government beyond 31.03.1998 till 31.03.2002 with all consequential benefits.

2. Petition was admitted for hearing on 20.07.2001.

3. When called out for final adjudication, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, for perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particulars to stand taken in para-2 of the Preliminary Objections of the written statement, filed by respondents No.1 and 2.

5. Learned State counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. In their defense, respondents plead that petitioner submitted a notice dated 29.12.1997 seeking retirement w.e.f. 01.01.1998 to 31.03.1998 after completion of his twenty year qualifying service. The Govt. vide order dated 28.01.1998 accepted the notice as provision of rule 5.32-B(2) of Punjab Civil Services Rules volume II read with the Govt. instructions dated 01.08.1980. This order was conveyed to the petitioner vide an order dated 10.02.1998. The petitioner then sent letter dated 16.03.1998 to withdraw his voluntary retirement notice. Since the notice had already been accepted, therefore, the Govt. decided to reject the request of the petitioner vide order dated 31.03.1998, 3 months notice period expired on 31.03.1998 and the petitioner thereafter relieved accordingly. Petitioner subsequently even submitted his pension papers on 19.04.1998 for releasing the retiral benefits like pension, gratuity, commutation, leave encashment, GPF etc. and all the benefits were released to the petitioner. In the premise, since the petitioner, having received entire retiral benefits estopped by his own and conduct to challenge the action of the respondent for not accepting his request for withdrawing the voluntary retirement notice.

7. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

8. In view of the aforesaid, no ground are made out to interfere.

9. Dismissed.

25.05.2022

mamta

Whether speaking/reasoned:

Whether reportable:

(ARUN MONGA)
JUDGE

Yes/No

Yes/No