

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

306

CWP-7158-2022

Date of decision : 02.08.2022

Amin Khan

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Satish Chaudhary, Advocate for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

Mr. Rajesh Lamba, Advocate for respondents No.2 and 3.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 31.03.2022 (Annexure P-1) passed by respondent No.2 whereby his request for considering him as Class-IV employee and to enable him to continue till the age of 60 years has been rejected.

Learned counsel for the petitioner submits that the petitioner had been promoted from the post of Peon to the post of Clerk in the year 2019 but the petitioner was not in favour of the promotion and had requested the respondents to allow him to continue as a Peon so that he could continue till the age of 60 years. He also submits that in similar circumstances, Mohammad Khan had preferred CWP No.11729 of 2021, which was disposed of on 05.07.2021 with the direction that the respondents would consider his representation and decide the same by passing a speaking order. He further submits that the respondents are stated to have allowed his representation and the petitioner therein has been permitted to continue in service on the post of

Peon till the age of 60 years. However, the representation of the petitioner has been rejected on the ground that he cannot now turn around and seek employment till 60 years on the post of Peon having earlier been promoted as a Clerk.

Learned counsel for respondents No.2 and 3 has filed written statement in Court, which is taken on record. He, however, submits that once the petitioner had been promoted to the post of Clerk then he would continue only till 58 years and cannot now turn around to work at a lower post to enable him to continue till the age of 60 years.

Heard.

A Coordinate Bench of this Court in the case of 'Mohammed Khan versus State of Haryana and others' bearing CWP No.11729 of 2021, decided on 05.07.2021 had directed the respondents to consider the representation of the petitioner therein by passing a speaking order. The respondents had thereafter permitted Mohammed Khan to continue in service till 60 years on the post of Peon. The case of the petitioner is at par with Mohammed Khan and the similar request of the petitioner deserves to be accepted.

Consequently, the petition is allowed and the impugned order dated 31.03.2022 (Annexure P-1) is set aside. The petitioner would continue in service till the age of 60 years on the post of Peon.

(ANUPINDER SINGH GREWAL)
JUDGE

August 02, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No