

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

CWP-12841-2019 (O&M)

Date of decision: August 23, 2022

Jora Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 29.03.2019 (Annexure P-8) passed by respondent No.3 whereby petitioner has been compulsorily retired at the age of 55 years and notice for 3 months has been given, which is totally wrong and illegal and against the Government instructions as well as against the principles of natural justice.

2. While issuing notice of motion on 15.05.2019, my learned Sister Ritu Bahri, J. passed the following order:

“Learned counsel submits that vide order dated 08.08.2018 (P-4), after taking into consideration of the enquiry report, case and the judicial proceedings, the charge sheet dated 01.09.2017 issued against the petitioner was ordered to be filed by giving only warning to the petitioner to be careful in future. The charges of illegal cutting of 27 trees were not found to be true against the petitioner.

Learned counsel submits that despite the fact that above said order dated 08.08.2018 was passed by Western Sub Division Haryana, Hisar, now he has again passed the impugned order

dated 29.03.2019 (P-8) retiring the petitioner compulsorily in the age of 55 years. The same officer who had passed the order dated 08.08.2018 cannot review his order again by passing the impugned order.

Notice of motion for 27.09.2019.

In the meantime, operation of impugned order dated 26.02.2019 (P-7) and 29.03.2019 (P-8) shall remain stayed.”

3. *Apropos* above order, petitioner who was at the relevant time 55 years of age and by sheer pendency of the writ petition has rendered full length of service and has superannuated.

4. In the premise, writ petition is disposed of with the expectation that by virtue of interim order dated 15.05.2019 granted by this Court, all the fortuitous benefits which would have accrued to the petitioner, shall not be withdrawn including pensionary benefits thereof.

(ARUN MONGA)
JUDGE

August 23, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No