

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

**CWP No.25983 of 2016
Reserved on: August 02, 2022
Date of decision: August 05, 2022**

AJIT SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

JAISHREE THAKUR, J.

The petitioner herein has prayed for issuance of a writ in the nature of certiorari for quashing order dated 04.04.2016 (Annexure P-2) passed by respondent No.4, whereby the application (Annexure P-1) as preferred by the petitioner seeking voluntary retirement from service was accepted and to take the petitioner back in service.

In brief, the facts are that the petitioner was appointed as Constable in the Punjab Police on 20.10.1981 and, thereafter, on account of his good service record, he was promoted as Head Constable in the year 1986. Thereafter, in the year 1995, petitioner was promoted as Assistant Sub-Inspector and as Sub-Inspector in the year 2007. Thereafter, petitioner was promoted as Inspector in the year 2013. On account of domestic

conditions of the petitioner, he remained under mental tension and depression. On account of this, he was not able to concentrate on his duty and sought voluntary retirement from service vide application dated 16.03.2016 made before respondent No.4. The said application was accepted vide order dated 04.04.2016 and the petitioner was voluntarily retired from service with effect from 30.06.2016, but the retiral benefits i.e. pension, gratuity, GPF etc. were not released to him. As with the passage of time the petitioner became normal, he requested respondent No.4 to consider his case in terms of Rule 12.25 of the Punjab Police Rules, 1934 read with Articles 511 to 519 of the Civil Service Regulations. Since the representation of the petitioner herein, to be taken back into service was not considered by respondent No.4, the instant writ petition has been filed.

The grouse of the petitioner herein is that he was voluntarily retired on 30.06.2016 and no retiral benefits had been released to him and he sought reinstatement in service by relying on Rule 12.25 of the Punjab Police Rules, 1934.

There was no representation on behalf of the petitioner despite the case being called twice, before it was heard and reserved for orders.

Learned State counsel would submit that the petitioner herein was given voluntary retirement as per his own request dated 16.03.2016 (Annexure P-1) and has also been released all his retiral benefits as far back as in 2016 itself therefore, now he would not be entitled to be re-considered in service.

I have heard learned State counsel and have perused the pleadings of the case.

As per Rule 12.25 of the Punjab Police Rules, 1934 read with Articles 511 to 519 of the Civil Service Regulations, a police officer who has been discharged with a compensation or invalid gratuity or pension may be re-employed in the police service up to the age of 55 subject to the following conditions:-

(a) He may either refund the gratuity or cease to draw pension, in which case he may count his former service for future pension, or he may retain his gratuity or pension in which case he cannot count his former service towards future pension.

(b) He shall be re- examined by the Civil Surgeon of the district in which he has been re-employed and certified as medically fit for service, and shall produce a discharge certificate showing that his previous service was classed as not lower than "good".

It is an admitted case that the petitioner herein was born on 15.01.1962 and his application dated 16.03.2016 (Annexure P-1) for voluntary retirement was accepted by respondent No.4 vide order dated 04.04.2016 (Annexure P-2) and petitioner was voluntarily retired with effect from 30.06.2016, meaning thereby, he had already attained the age of approximately 54 years 05 months and 15 days. It is thereafter, that the petitioner herein re-considered his decision to seek voluntary retirement and re-applied to be taken back in service. At that relevant point of time i.e. on 06.09.2016, when he approached the department through his representation Annexure P-3, he had already attained the age of approximately 54 years 07 months and 22 days. He accepted all his retiral benefits and also accepted his GPF accumulation amount on 04.01.2017, meaning thereby, petitioner herein has waived his right to seek re-employment in service. Even

otherwise, he would have crossed the age of 55 years in January, 2017 itself, when his application was under consideration.

Consequently, since the petitioner herein has crossed the age of 55 years and has already received all his retiral benefits, no further orders are called for in the instant writ petition and the same is dismissed.

August 05, 2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*