

125.

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

CWP-23652-2022

Date of Decision: 17.10.2022

BIKRAM SINGH MANN

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Shivam Malik, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 25.08.2022, Annexure P-3, whereby the order dated 08.08.2022 allowing voluntary retirement, has been withdrawn.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner had moved an appropriate application seeking voluntarily retirement which was accepted and he was allowed to retire voluntarily on 31.08.2022. However, without giving any cogent reason, the order dated 08.08.2022 allowing voluntary retirement stands withdrawn vide impugned order dated 25.08.2022.

Counsel for the petitioner would submit that at this stage, the petitioner would be satisfied in case the instant writ petition itself is treated as a representation and a decision be taken on his request seeking voluntary retirement. It is contended that the petitioner is due to retire on 31.08.2023

on attaining the age of superannuation, however, because of his family circumstances, he is seeking premature retirement forthwith.

Notice of motion.

On the asking of the Court, Ms. Kirti Singh, DAG, Haryana, accepts notice on behalf of the respondents.

Let sufficient number of copies of the complete paper book be supplied to her during the course of day.

In view of the limited prayer made by counsel for the petitioner that the request of the petitioner for voluntary retirement had once been acceded to, however, without giving any cogent reason, the same stands withdrawn, without commenting on merits of the case, the instant petition is disposed of with a direction that the instant writ petition itself shall be treated as a representation on behalf of the petitioner for voluntary retirement and would be decided by respondent No.2 or 3, as the case may be, by passing a speaking order on his request for voluntary retirement, within a period of six weeks, from the date of receipt of certified copy of this order, in accordance with law, and the decision conveyed to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

(JAISHREE THAKUR)
JUDGE

17.10.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No