

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 19549 of 2019 (O&M)****Date of Decision: 10.05.2023**

Balwinder Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Sahil Soi, Advocate
for the petitioner(s).Mr. Navdeep Chhabra, Senior Deputy Advocate General,
Punjab, for the respondents.**Anil Kshetarpal, J.**

1. The petitioner prays for issuance of the writ in the nature of certiorari to quash the communication dated 26.02.2019 whereby his request for the grant of exemption from passing the type test has been declined.

2. After having been appointed on the compassionate basis as a Clerk, the petitioner, on attaining the age of superannuation, retired w.e.f. 31.01.2019. Initially, the instructions were issued in the year 1996 to enable the competent authority to grant exemption to the Clerks beyond the age of 50 years to apply for the exemption. However, those instructions were withdrawn on 31.01.2007.

3. The learned counsel representing the petitioner contends that a similar provision has been added vide instructions dated 23.12.2011. While placing reliance on the aforesaid instructions, the learned counsel

representing the petitioner contends that the petitioner's case has not been

dealt with fairly.

4. On the other hand, the learned State counsel has submitted that the translation of the instructions dated 23.12.2011 produced before this Court is not the correct translation as Clause (2) thereof provides that the exemption can be granted to a Clerk who has completed the training in the Computer Course conducted by the Information and Technology Department, Punjab. Vernacular of the aforesaid instructions has been read over in open Court by the learned counsel representing the parties. The contention of the learned State counsel is correct to that extent. It appears that due to oversight, some part of para 2 of the instructions has not been translated.

5. Keeping in view the aforesaid facts and discussion, this Court, in exercise of its power of judicial review, does not find it appropriate to issue any writ, as prayed for by the petitioner. Hence, the present writ petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 10, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No