

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 124

Civil Writ Petition No.18951 of 2023
Date of Decision: August 29, 2023

Ramesh Chand Harit

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Vinod Bhardwaj, Advocate for the petitioner.

Mr. Ravinder Singh Budhwar, Addl. AG, Haryana.

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Tribhuvan Dahiya, J. (Oral)

This writ petition has been filed seeking a writ of *certiorari* quashing the order dated 31.05.2023, vide which the petitioner's service has been discontinued as Canal Patwari (Retiree).

2. It is apparent on record that as per Government instructions, dated 02.02.2016, the age of the officer/official to be re-employed must be below sixty years, except in the case of Patwaris who may be re-employed up to the age of seventy years.

3. Learned counsel for the petitioner contends that the petitioner was re-employed as Canal Patwari and has been working with the Department for the last fifteen years. As per Outsourcing Policy Part II dated 30.12.2022, his engagement was approved for one year, up to 31.12.2023. However, before completion of the extension period his service has been illegally dispensed with vide order dated 31.05.2023, Annexure P-8, passed

by the Executive Engineer. It is also submitted that the Engineer-in-Chief vide letter dated 13.07.2023, Annexure P-13, recommended that the petitioner be continued as Canal Patwari for smooth working of revenue work in the circle. Therefore, the impugned order is not sustainable.

3. Learned State counsel, appearing on advance notice, submits that the petitioner's service has been dispensed with in terms of the instructions dated 02.02.2016, which prescribe the outer age limit of seventy years for re-employment of Patwaris. Mere recommendation does not give a right to the petitioner to continue his service.

4. Undisputedly, as per instructions of the Government, dated 02.02.2016, re-employed Patwaris can continue in service up to seventy years. The relieving order dated 31.05.2023, Annexure P-8, has been passed keeping in view the said instructions. Merely because the petitioner has been working as re-employed Patwari for over ten years or his case for continuation in service has been recommended by a Department Officer, does not give him a right to continue. It is not the petitioner's case that he has not attained age of seventy years or that the instructions, dated 02.02.2016, are not applicable to him.

5. In view thereof, there is no ground to entertain the petition.

6. Dismissed.

(Tribhuvan Dahiya)
Judge

August 29, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No