

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

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CWP-25040-2023

Date of decision: 06.11.2023

SANDEEP CHAUHAN**.....Petitioner****VERSUS****STATE OF PUNJAB AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for setting aside the order dated 21.05.2020 (Annexure P-6) whereby Sh. Nathu Ram, father of the petitioner was ordered to be retired from service w.e.f. 31.05.2020 in view of the instructions dated 02.03.2020 issued by the Government of Punjab as the said instructions have been misinterpreted and Sh. Nathu Ram was wrongly retired from service w.e.f. 31.05.2020 and for directing the respondents to consider the claim of the petitioner and appoint the petitioner on compassionate ground to the post of Inspector or any other suitable post as his father Sh. Nathu Ram was suffering from advanced cancer and unfortunately passed away on 17.08.2021 after prolonged hospitalization and treatment and as such he was not in a position to challenge his wrongful retirement from service and further prays to consider and decide the claim as raised in legal notice dated 28.03.2023 (Annexure P-9) for being given appointment on compassionate ground as per Government policy.

Learned counsel for the petitioner contends that father of the petitioner was due to retire on 31.05.2020 upon attaining the age of 60 years as

Inspector from the office of Municipal Corporation, Ferozepur-respondent No.2 on 31.05.2020 after one year extension of service. He submits that when Nathu Ram got retired after one year extension of service, he had again applied for 2nd year extension in service from 01.06.2020 to 31.05.2021 but he was retired after 01 year extension in service in view of Government of Punjab instructions dated 02.03.2020. Learned counsel for the petitioner further submits that the father of the petitioner was wrongly retired from service on 31.05.2020 without giving any justifiable reasons. Learned counsel further submits that petitioner has served a legal notice dated 28.03.2023 (Annexure P-9) to the respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

On asking of the Court, Ms. Jasleen Kaur Sidhu, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 and submits that the respondent No.2 is the competent authority to take final decision. She does not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 28.03.2023 (Annexure P-9), respondent No. 2 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order in accordance with law.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

November 06, 2023
Nisha-II