



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

CWP-13560-1997

Date of decision : 19.11.2024

N.S. Bhatia

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravindra Jain, Advocate, for the petitioner.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

Mr. G.S. Attariwala, Senior Advocate, with
Mr. Shobit Phutela, Advocate, for respondent No.2.

SHEEL NAGU, CHIEF JUSTICE

1. The challenge in this petition is to the letter dated 16.01.1992 (Annexure P-4) rejecting the representation dated 09.12.1991 (Annexure P-3) of the petitioner claiming benefit of special addition to qualifying service in terms of the Amended Punjab Superior Judicial Service Rules, Volume II, on the ground that such benefit is admissible to only those who are in receipt of superannuation pension and not pension pursuant to an order of pre-mature retirement, as was the case of the petitioner.

2. It is pertinent to point that vide order dated 08.08.1991 (Annexure P-2) issued by the Government of Punjab, the petitioner was pre-maturely retired in public interest by invoking Clause (a) of Sub Rule 3 of the Punjab Civil Service (Premature Retirement) Rules, 1975.



2.1 It is quite evident that the petitioner did not retire on attaining the age of superannuation and, thus, was not in receipt of superannuation pension but pension which became due to him on his pre-mature retirement.

3. More so, Rule 4 (2) (ii) of the Punjab Civil Service (Premature Retirement) Rules, 1975, stipulates a bar against grant of benefit of weightage of five years under Rule 4 (2) (i) to those Government employees who have been pre-maturely retired in public interest.

4. There is another reason why this Court declines interference in the matter.

4.1 The earlier petition (CWP No. 15859 of 1991) filed by the petitioner assailing his pre-mature retirement was dismissed for want of prosecution on 07.07.2010 never to be restored again. Thus, the challenge to the order of pre-mature retirement in public interest having failed by dismissal of CWP No. 15859 of 1991, the petitioner is estopped from claiming benefit of weightage of five years under Rule 4 (2) (i) of the Punjab Civil Service (Premature Retirement) Rules, 1975.

5. Consequently, the present petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

November 19, 2024
narotam

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No