

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(232)

CWP-5800-2018 (O&M)

Date of decision: - 20.01.2024

Balwan Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Shekhar Verma, Advocate, and
Mr. Brijesh Singh, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. Present amended writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ, order or direction in the nature of certiorari for quashing of impugned memo dated 17.01.2017 (Annexure P-16), order dated 27.09.2017 (Annexure P-19) and order dated 08.01.2018 (Annexure P-21) passed by respondent No.2 and compulsory retirement notice dated 28.02.2018 (Annexure P-22) served on 13.03.2018 issued by respondent No.5.

2. Learned State counsel has submitted that in the present case, Co-ordinate Bench of this Court, vide order dated 17.05.2018, had stayed the operation of impugned order dated 28.02.2018 (Annexure P-22) and during the pendency of the present writ petition, the petitioner has retired,

thus, the order of compulsory retirement has paled into insignificance and the present writ petition has been rendered infructuous.

3. Learned counsel for the petitioner in view of the above has submitted that the present writ petition be disposed of as having been rendered infructuous.

4. In view of the above, the present writ petition is disposed of as having been rendered infructuous.

5. At this stage, learned counsel for the petitioner has submitted that the petitioner has filed an application bearing CM-4784-CWP-2023 under Section 151 CPC for placing on record additional documents as Annexures P-24 to P-27 to show that the pension has not been paid to the petitioner as per settled law. It is further submitted that the petitioner be permitted to give a detailed representation to competent authority of respondent No.1-State and prays that competent authority of respondent No.1-State be directed to consider the said representation, in accordance with law, in a specified time frame and in case the pleas raised by the petitioner are found to be meritorious, then, grant the appropriate relief.

6. Learned State counsel has submitted that the competent authority of respondent No.1-State would consider the said representation in accordance with law within a period of six weeks from the date of submission of the same.

7. Keeping in view the above-said facts and circumstances, the application bearing CM-4784-CWP-2023 is disposed of in the following terms: -

(i) It would be open to the petitioner to give a detailed

representation to competent authority of respondent No.1-State within a period of two weeks from today.

- (ii) In case any such representation is filed by the applicant-petitioner, competent authority of respondent No.1-State would consider the same within a period of six weeks from the date of submission of the said representation and in case after considering the said representation, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritorious, then, the appropriate relief be granted to him as expeditiously as possible. In case competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of six weeks.

8. It is made clear that this Court has not opined on the merits of the case and respondent No.1-State would consider and decide the matter independently, in accordance with law.

January 20, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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