

2024:PHHC:155854



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

248

CWP-26769-2021 (O & M)  
Date of decision: 25.11.2024

B.S. Sehrawat

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Bikramjit Singh Patwalia, Advocate,  
for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition is for direction to the respondents to treat the petitioner as superannuated from the post of Director General, Horticulture, w.e.f. 07.08.2019, for the purpose of grant of retiral benefits.

2. Learned counsel submits that the petitioner, who was working as Mission Director, had attained the age of superannuation on 31.03.2020 whereafter he was granted three months of extension that expired on 30.06.2020, which was extended upto 31.03.2021. In the interregnum, vide order dated 07.08.2019 (Annexure P-11), he was posted as Director General, Horticulture, in the pay scale of Rs.37400-67000+10000 GP, in place of Sh. Arjun Singh Saini with immediate effect, while the latter was posted as Mission Director in his place, which

was made subject matter of challenge in CWP-20653-2019. However, the petitioner had taken charge of the said post, as apparent from the joining report (Annexure P-12). The aforesaid writ petition was dismissed as having been rendered infructuous. The order (Annexure P-11) had neither been withdrawn nor set aside, as such, he is entitled to the fixation of pension in terms thereof, which has not been taken into consideration while passing the impugned order dated 26.07.2021 (Annexure P-20). He thus, at this stage, on instructions, prays that a direction is given to the respondents to re-consider the case of the petitioner while taking into account the aforesaid aspect in a time bound manner.

3. Learned counsel for the respondents has no objection to the limited prayer made.

4. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to re-consider the case of the petitioner taking into account the order dated 07.08.2019 (Annexure P-11), within a period of three months, in accordance with law.

25.11.2024

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

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