



CWP-18782-1996

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

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Date of Decision:- 16.01.2025

Harnek Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagdish Marwaha, Advcoate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance being raised by the petitioner is that he was working as a work charged Driver and keeping in view the rules governing the service, he was entitled to continue in service till the age of 60 years but he was retired at the age of 58 years which action of the respondents is contrary and illegal.

2. Learned counsel for the petitioner submits that the petitioner is entitled for salary of the post for the next two years also, till the petitioner attained the age of 60 years.

3. Learned counsel for the respondent-State submits that post of a driver is Class-III post and hence, the rules which are being cited by the learned counsel for the petitioner to claim the benefit to continue in service up to the age of 60 years is not applicable upon the petitioner and the

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petitioner has rightly been retired at the age of 58 years.

4. Learned counsel for the petitioner submits that keeping in view the rules governing the service (Annexure P/10), retirement age of Class-IV employee is 60 years and as per the respondents themselves the work charged Driver is a Class-IV post and hence, petitioner was entitled to continue in service up to the age of 60 years.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The petitioner was concededly working as a work charged Driver with the respondents. That being so, keeping in view the rules governing the service (Annexure P/10), the post of work charged Driver is a Class-IV post, which fact has gone unrebutted. Once, the work charged Driver is a Class-IV post, by applying rule 3.26 of Punjab Civil Services, the age of the retirement of Class- IV employee is 60 years whereas, the petitioner was retired at the age of 58 years. The Class-IV employee is entitled to continue in service up to the age of 60 years. The retirement of the petitioner at the age of 58 years vide order dated 27.09.1996 (Annexure P/11) is arbitrary and illegal and is contrary to the rules governing the service and the same is accordingly set aside.

7. The petitioner will be treated in service up to 31.07.1998 and will be entitled for salary for the period of two years, which he was drawing at the time of his retirement.

8. The respondents are directed to calculate the salary admissible to the petitioner from 01.08.1996 till 31.07.1998 and the same be released to the legal heirs of the petitioner within a period of 08 weeks of the receipt of



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copy of this order.

9. Present petition is allowed in above terms.

January 16, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No