



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

**114**

**CWP-35587-2025 (O&M)  
Date of decision: 02.02.2026**

Rajwinder Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Sarabjot Singh Cheema, Advocate  
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Rajiv Dhawan, Advocate  
for respondents No.2 to 6.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to accept the premature retirement notice given by the petitioner on 23<sup>rd</sup> April, 2024 and has been kept pending despite clearance of all dues and thereafter because petitioner was suffering from a back ailment and he could not attend office and provided medical certificates, he is being treated as absent and disciplinary proceedings have been initiated for absent from duty when his premature retirement notice is pending acceptance and despite his medical condition the impugned proceedings are have been initiated making them clearly arbitrary and needs to be quashed and therefore pray for quashing the impugned letter/order dated 23.10.2025 Memo



No. 8354 (Annexure P-14) and the impugned charge sheet/letter dated 20.11.2025, Memo No. 1778 (Annexure P-17) along with all consequential proceedings. Further prayer has been made to stay the operation and further proceedings arising out of the impugned order dated 20.11.2025 (Annexure P-17) during the pendency of the writ petition. Further a writ of *mandamus* has been sought, directing the respondents to consider and approve the petitioner's request for voluntary retirement on medical grounds as per his letter dated 23.04.2024 (Annexure P-1), read with work clearance certificate dated 20.09.2024 (Annexure P-2), and other supporting documents and further direct the respondents to treat the petitioner's medical leave from 03.06.2025 to 03.09.2025 as duly sanctioned, in accordance with the medical certificates on record.

2. On 01.12.2025, the following order was passed by this Court:-

*Learned counsel for the petitioner inter alia contends that petitioner has served the respondent-Corporation for over 32 years and submitted a notice for voluntary retirement on 23.04.2024 (Annexure P-1) which was returned for want of an affidavit. He re-submitted all requisite documents on 31.12.2024. A work clearance certificate was also issued on 20.09.2024 as discernible from Annexure P-2 confirming that nothing is pending against the petitioner. The petitioner was under medical treatment from June, 2025 to September, 2025 and submitted multiple medical certificates which were duly forwarded to his immediate senior. However, the respondents issued an order on 23.10.2025 (Annexure P-14) treating his leave period as unauthorized absence and subsequently, issued a charge sheet on 20.11.2025. The applicable regulations provide that an employee has the right to seek voluntary retirement after completion of 20*



*years of service and in case the decision is pending for more than three months, he would be deemed to be retired.*

*List on 15.12.2025.*

*In the meantime, operation of the impugned order shall remain stayed.*

*It transpires that instead of taking any decision on the request of voluntary retirement, the petitioner has been charge sheeted and treated as absent for the period, he has already submitted his medical certificate.*

*In view of the conspicuous facts and circumstances of the case, respondent No.2 is directed to file his affidavit deliberating thereupon whether an employee is entitled to seek voluntary retirement after 20 years of service. Further, whether the competent authority is not obligated to consider the request of an employee for voluntary retirement within the stipulated period provided under the applicable regulations.*

3. In compliance of the orders passed by this Court, the affidavit of respondent No.2 has been filed after availing five opportunities and the request of the petitioner for voluntary retirement has been accepted and a formal order to this effect has been passed and disciplinary proceedings initiated against the petitioner have been dropped. As such, the present petition has been rendered infructuous.

4. Disposed of as having been rendered infructuous.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**02.02.2026**  
*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No