
(2011) 08 SHI CK 0251
In the High Court Of Himachal Pradesh
Case No : CWP No. 485 of 2009

Amar Singh

APPELLANT

Vs

H.R.T.C. and Another

RESPONDENT

Date of Decision : 01-08-2011

Acts Referred:

Citation : (2011) 08 SHI CK 0251

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Judgement

Surinder Singh, J.—By means of this petition, the Petitioner has sought the writ of mandamus directing the Respondents to grant/ sanction the pension in his favour, from the date of his retirement with all consequential benefits.

2. The Petitioner joined service on 17.1.1987 as Driver in the Respondent-Corporation on daily wages. Thereafter, he was appointed on regular basis on and w.e.f. 14.9.1987. The Petitioner served three months advance notice seeking voluntary retirement on 3.4.2000, which was accepted by the Respondent-Corporation vide office order Annexure P-1 and it was ordered that the Petitioner would stand retired from the service w.e.f. 3.7.2000 (A.N.). The main grouse of the Petitioner is that he was not granted consequential pensionary benefits.

3. The Petitioner was Class-III employee of the Respondent-Corporation and his case is governed by the Himachal Pradesh Civil Services (Pre-Mature Retirement) Rules, 1976, whereby first proviso added to Sub-rule (2)(b)(ii) to Rule 3 of the aforesaid Rules, provides that any Government servant with satisfactory service record may, after giving notice of not less than three months in writing to the appropriate authority, retire from the service on completion of 20 years of service or 45 years of age, if such notice has been accepted by such appropriate authority.

4. The aforesaid proviso to Sub-rule (2) to Rule 3 of the aforesaid Rules, implies that a Government Servant can seek the retirement either on completion of 20

years of service or 45 years of age or thereafter, but not before completion of 20 years of service or 45 years of age.

5. Shri H.K.Paul, learned Counsel for the Petitioner submitted that though the Petitioner had not completed 20 years of service, but he was more than 45 years of age, therefore, the proviso added to the aforesaid Rules, fairly and squarely applies to the case of the Petitioner in view of the fact that on 20th February, 2009 i.e. at the time of swearing the affidavit, his age was 54 years and on the date of seeking voluntary retirement, he was more than 45 years of age.

6. Therefore, in view of the above position, the Respondents are hereby directed to consider the case of the Petitioner, for grant/ sanction of the pension from the date of his retirement with all consequential benefits arising there-from, in case the Petitioner is more than 45 years of age at the time of seeking his retirement, in a time bound manner, particularly within five months; in accordance with law, from the date of production of the copy of this judgment.

7. The petition stands disposed of.

8. Copy dasti on usual terms.