

(2021) 07 SHI CK 0094
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 767 Of 2021

Dr. Sanjay Chadha

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 09-07-2021

Acts Referred:

Central Civil Services (Classification, Control And Appeal) Rules, 1965 — Rule 14

Central Civil Services (Conduct) Rules, 1964 — Rule 3

U.P. Fundamental Rules, — Rule 56, 56(c), 56(2)

Himachal Pradesh Services (Premature Retirement) Rules, 1976 — Rule 3(1), 3(2)

Citation : (2021) 07 SHI CK 0094

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Ranjana Parmar, Karan Singh Parmar, Anil Jaswal

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Petitioner's request for premature retirement on medical grounds was turned down by the respondents on 03.01.2018 as he had not completed

the qualifying service of twenty years at that time. His same request made second time on 27.03.2019, when he was about to complete twenty years,

was rejected on 19.06.2019 allegedly due to paucity of staff. Respondents issued show cause notice to the petitioner on 06.01.2021 for his

unauthorized absence from duty w.e.f. 18.11.2019. Aggrieved, he filed the instant writ petition, primarily seeking a direction to the respondents to

retire him prematurely besides praying for quashing of orders passed by them rejecting his such requests. Petitioner has also prayed for quashing of

show cause notice issued to him. During pendency of the petition, the respondents have also issued a charge-sheet to the petitioner for his wilful

absence from duty.

2. Facts:-

2(i). Petitioner joined the respondent-Department on 30.06.1999 as Horticulture Development Officer, which is a Class-I post.

2(ii). On 10.09.2017, citing medical problems of his own and that of his aged mother, petitioner requested for premature retirement. His request was

not accepted by the respondents on the ground that he had not completed qualifying regular service of twenty years at that time. Relevant portion of

communication dated 03.01.2018 (Annexure P-2), rejecting petitioner's request for premature retirement, reads as under:-

"I am directed to refer to your letter No.4-859/99(PF)-Udyan-I dated 30.10.2017 on the subject cited above and to say that the matter has been

examined in consultation with the Department of Personnel and it has been observed that Sh. Sanjay Chadha, HDO does not fulfil the eligibility criteria

of 20 years of regular service for pre-mature retirement as defined in the instructions issued by the Department of Personnel vide their letter No.Per

(AP-B)B(18)-1/2006 dated 01.08.2013. Consequently, his representation for pre-mature retirement is rejected."

2(iii). On medical grounds, petitioner applied for Extraordinary Leave (EOL) on 26.07.2018. The respondents on 27.08.2018 (Annexure P-4) granted

ex- post facto sanction of eight months EOL w.e.f. 30.07.2018 to 26.03.2019. The period was to count towards petitioner's annual increment

and service. The terms of sanction of EOL read as under:-

"It is, certified that Dr. Sanjay Chadha, Deputy Project Director, ATMA, Mandi, would have continued to officiate against the post though he was

on leave yet the period of said leave shall count towards his annual increment.

It is, certified that the officer will submit his joining report at the same place and post from where he proceeded on leave."

2(iv). On petitioner's request, ex-post facto sanction of 96 days earned leave w.e.f. 01.04.2019 to 28.06.2019 was accorded to him on

28.05.2019. The terms of leave remained the same as extracted earlier.

2(v). Citing his ill health as well as medical problems of his aged mother, petitioner on 27.03.2019, sent a communication to the respondents, once

again requesting for premature retirement by submitting that he would be completing twenty years of qualifying service on 30.06.2019. He also stated

that his letter be treated as three months' notice mandated under the Rules. The petitioner pleads that he was not given any written response by

the respondents to his request for premature retirement, however, he came to know that respondents had rejected his request on count of paucity of

staff. Petitioner on 03.07.2019, requested the respondents to reconsider his prayer for premature retirement.

2(vi). On 28.11.2019, ex-post facto sanction was accorded in favour of the petitioner of 149 days' half pay leave w.e.f. 03.07.2019 to 11.11.2019

on the basis of medical fitness certificate on same usual terms and conditions as extracted earlier.

2(vii). In response to petitioner's application for further leave, the respondents on 31.12.2019 (Annexure P-11), directed him to join his duty within three days from the date of receipt of the communication. Failing which, the petitioner was to appear before the Medical Board for second medical

opinion. This direction to the petitioner was repeated by the respondents in their various subsequent communications (Annexures P-12 to P-14). The

petitioner despite these directions, did not join duties. On 06.01.2021, the respondents issued him a show cause notice (Annexure P-15), conveying that

the petitioner is on unauthorized absence from duty w.e.f. 18.11.2019. His wilful absence and non-performance of regular duties showing negligence

towards government duty tantamount to misconduct. Petitioner was given an opportunity to immediately report for duty as well as to submit

justification for his repeated unauthorized absence within fifteen days, failing which disciplinary action was to be initiated against him. Petitioner

submitted his response to the show cause notice on 18.01.2021 and on 03.02.2021, filed present petition for the following substantive relief:-

â??i. That the order dated 03.01.2018 (Annexure P-2), Communication dated 31.12.2019 Annexure P-11, Communication dated

08.01.2020 Annexure P-12, Communication dated 23.01.2020 Annexure P-13, Communication dated 25.06.2020 Annexure P-14, Annexure

P-15 dated 06.01.2021 may very kindly be quashed and set aside and respondent may be directed to retire the petitioner prematurely from

due date with all consequential benefits.â??

3. Contentions:-

Heard learned counsel for the parties and gone through the record.

3(i). Learned Senior Counsel for the petitioner argued that the petitioner's request for premature retirement was turned down by the respondents

on 03.01.2018 only on the ground that at that time, he did not have twenty years of qualifying regular service required under the rules. On 27.03.2019,

petitioner again requested for his premature retirement, submitting that he would be completing twenty years of qualifying service on 30.06.2019 and

therefore, on medical grounds, he may be allowed to retire prematurely and his letter be considered as three months' notice for this purpose.

Learned Senior Counsel further argued that the respondents did not decide petitioner's request for premature retirement. Therefore, petitioner has

to be deemed to have been prematurely retired after completion of three months' notice on petitioner's completing twenty years of qualifying

service, i.e. on 30.06.2019. Learned Senior Counsel also submitted that the petitioner is not in a position to discharge his duties as Horticulture

Development Officer on account of his own health problems and on account of ill health of his aged mother and it is for this reason that the petitioner

remained on leave of one kind or the other ever since 30.07.2018 till 17.11.2019. It was submitted that for want of sympathetic action in the matter on

part of the respondents, in the peculiar circumstances, petitioner apart from repeating his prayer for premature retirement, had no other option, but to

remain absent w.e.f. 18.11.2019 onwards. Therefore, learned Senior Counsel alternatively submitted that the respondents be directed to retire the

petitioner prematurely from the due date alongwith all consequential benefits.

3(ii). Learned Additional Advocate General contended that the petitioner has no locus standi as he has not completed qualifying service of twenty

years required for premature retirement. He submitted that the order dated 27.08.2018 (Annexure P-4), granting ex-post facto sanction of eight

months' extraordinary leave to the petitioner w.e.f. 30.07.2018 to 26.03.2019, was superseded by office order dated 08.08.2019 (Annexure R-2).

In terms of office order dated 08.08.2019, the period of extraordinary leave was not to count towards petitioner's annual increment and qualifying

service for the purpose of pension. Therefore, in view of order dated 08.08.2019, eight months' extraordinary leave granted to the petitioner w.e.f.

30.07.2018 to 26.03.2019 is not to be counted towards his qualifying service. Excluding this period, the petitioner does not complete required qualifying

service of twenty years as on 30.06.2019. Therefore, petitioner was not eligible for premature retirement.

Learned Additional Advocate General also submitted that the petitioner is unauthorizedly absent from duties w.e.f. 18.11.2019. Despite being issued

repeated directions, petitioner did not report for duty. A show cause notice was issued to him in this regard on 06.01.2021. Petitioner thereafter filed

the present petition. On 26.02.2021, an order was issued (Annexure R-7), giving him last opportunity to immediately report for his duties, failing which

disciplinary action was to be initiated against him. Since the petitioner failed to join his duties, memorandum under Rule 14 of CCS(CCA) Rules, 1965

was issued to the petitioner on 19.03.2021 (Annexure PM-1), containing following two charges:-

Article of Charge-I

Statement of Article of charge framed against Dr. Sanjay Chadha, Subject Matter Specialist (Hort.), working as Dy. Project Director,

ATMA, Mandi

That Dr. Sanjay Chadha while working as Dy. Project Director, ATMA, Mandi applied for Extraordinary leave w.e.f. 30.07.2018 to

26.03.2018 i.e. eight months (240 days) and availed the same. Thereafter w.e.f. 18.11.2019 to till date he is on unauthorized absence from

Govt. duty. Dr. Chadha did not perform his duties regularly and showing negligence towards Govt. duty. Dr. Chadha was/is wilful absence

from Govt. service without any valid reasons. This act of said Dr. Sanjay Chadha, SMS (Hort.)-cum-DPD, ATMA tantamount to a gross

misconduct and he is liable to be charged under CCS (Conduct) Rules, 1964.

Article of Charge-II

That Dr. Sanjay Chadha, while working as Dy. Project Director, ATMA Mandi disobeyed the orders of the higher authorities and did not

join back till date. Repeatedly, Show Cause Notice and reminders were issued by the Govt. and Department but he did not join back. This

act of said Dr. Sanjay Chadha, SMS (Hort.) tantamount to be a misconduct and gross negligence of duty thereby violating Rule 3 of CCS

(Conduct) Rules, 1964.

On the basis of above submissions, learned Additional Advocate General prayed for dismissal of the writ petition.

4. Observations:-

The respondents-State has framed the Himachal Pradesh Services (Premature Retirement) Rules, 1976 (in short "Rules"). Rule 3(1) of these

rules is about the respondents' right to prematurely retire a government servant, whereas under Rule 3(2), a government servant can request for

his premature retirement. For the purpose of present dispute, Rule 3(2) is relevant. This rule as it stands today, pursuant to amendments carried out in

it vide notifications dated 10.09.1987, 16.03.2012, 20.09.2012 and 01.08.2013, reads as under:-

"3(2) Any Govt. employee may, after giving at least three months' previous notice in writing to the appropriate authority retire from

service on the date on which he-

(a) completes 30 years of qualifying service; or

(b) attains the age of-

(i) 50 years in respect of Class I and Class II officers who have entered Govt. service before attaining the age of thirty-five years;

(ii) 55 years in case of all other Class I and Class II officers and all the Class III employees; and

(iii) 55 years in case of such Class IV employees who entered Govt. service after 23rd July, 1966.

Provided that any Government servant with satisfactory service record may, after giving notice of not less than 3 months in writing to the

appropriate authority, retire from service on completion of 20 years of regular service after such notice has been accepted by the

appropriate authority;

Provided further that no employee under suspension or against whom disciplinary proceedings are either contemplated or have already

been initiated shall be allowed to retire except with the specific approval of the appropriate authority."

4(i). Completion of qualifying service:-

4(i)(a). Pleaded case of the respondents is that to become eligible to seek premature retirement, the petitioner was required to possess qualifying

service of twenty years. Since he did not possess this much length of service, therefore, his request for premature retirement was turned down by the

respondents on 03.01.2018. Petitioner requested once again for premature retirement on 27.03.2019 by submitting that he would complete twenty years of qualifying service on 30.06.2019. He requested the respondents to retire him prematurely on his completion of twenty years of qualifying service and to treat the request letter as his three months' notice envisaged under the Rules.

4(i)(b). The respondents in their reply besides pointing out that petitioner's request for premature retirement made second time was not accepted

due to paucity of staff, also submit that the petitioner had not completed twenty years of qualifying service as on 30.06.2019. Therefore, he was not

eligible for premature retirement. Whereas, the petitioner contends that as on 30.06.2019, he had completed twenty years of regular service, therefore,

he was eligible for premature retirement. The bone of contention between the parties is eight months' period w.e.f. 30.07.2018 to 26.03.2019.

According to the petitioner, for this period of eight months, the respondents had already sanctioned extraordinary leave in his favour vide Annexure P-

4, dated 27.08.2018. While sanctioning the leave, it was clearly indicated in the office order that the period shall be counted towards petitioner's

annual increment and towards his service. Whereas, the stand of the respondents is that Annexure P-4, i.e. office order dated 27.08.2018, relied upon

by the petitioner for counting eight months' extraordinary leave sanctioned in his favour stood superseded by office order dated 08.08.2019

(Annexure R-2). Order dated 08.08.2019 had withdrawn the terms of office order dated 27.08.2018. Office order dated 08.08.2019 stipulated that

eight months' period of extraordinary leave sanctioned in favour of the petitioner will not count towards increment and towards qualifying service

for the purpose of pension.

4(i)(c). The respondent is a sovereign State. Sovereign is expected to act in a rational, impartial and in a manner known to law. Sovereign State is not

expected to act in an arbitrary and whimsical manner. An order passed sanctioning extraordinary leave and allowing it to be counted for the purpose

of increment and qualifying service of beneficiary cannot be superseded a year later to deny the beneficiary the benefit of counting the extraordinary

leave towards increment and qualifying service. The petitioner had already accepted office order dated 27.08.2018 and had acted upon it believing its

sanctity. During hearing of the case on 01.07.2021, a specific query was put to learned Additional Advocate General as to the reason for supersession

of order dated 27.08.2018 by order dated 08.08.2019. In response, the respondents filed memo of instructions dated 30th June, 2021, which does not

indicate any specific reason for withdrawing the benefit of counting period of extraordinary leave towards increment and qualifying service of

petitioner. No basis for passing office order dated 08.08.2019 in supersession of office order dated 27.08.2018 has forth come. Respondents

subsequently also have sanctioned various leaves in favour of the petitioner and allowed him the benefit of counting the leave period towards his

service and increment. No reason has been pointed out by the respondents for acting in a different manner for eight monthsâ?? leave period in

question and that too for withdrawing the benefits of counting the leave period towards increment and salary, a year after conferring the benefits for

the same period. The power vested in the respondents is to be exercised in accordance with law. Therefore, for want of any cogent and legal

explanation, in my considered view, the benefit extended to the petitioner under office order dated 27.08.2018 cannot be withdrawn vide office order

dated 08.08.2019. Consequently, the period from 30.07.2018 to 26.03.2019 has to be counted towards petitionerâ??s qualifying service. It is not in

dispute that by including this period, the petitioner completes twenty years of service as on 30.06.2019. Therefore, plea taken by the respondents that

the petitioner did not possess twenty years of qualifying service on 30.06.2019 is negated.

4(ii). Deemed Premature Retirement:-

Learned Senior Counsel for the petitioner contended that since the petitioner had issued three monthsâ?? notice to the respondents on 27.03.2019,

requesting them to prematurely retire him from service on his completion of twenty years qualifying service on 30.06.2019 and since the respondents

did not reject petitionerâ??s request for premature retirement, therefore, the petitioner has to be deemed to have prematurely retired from service on

30.06.2019. It will be apposite to first refer to the legal position regarding â??deemedâ?? premature retirement.

4(ii)(a). In (1996) 4 SCC 584, titled Himachal Pradesh Horticultural Produce Marketing & Processing Corporation Ltd. Versus Suman Behari

Sharma, Honâ??ble Apex Court was considering a case of premature retirement of an employee of Himachal Pradesh Horticulture Produce

Marketing and Processing Corporation Limited (HPMC). The erstwhile Himachal Pradesh Administrative Tribunal had held that employee of HPMC

had a right to retire from service by giving three monthsâ?? notice in writing and that there was no question of acceptance of such request by

HPMC. View of the Tribunal was not affirmed by the Apex Court in light of specific provisions contained in Byelaw No.3.8 of HPMC. It was held

that under the byelaw, the employee has a right to request for voluntary retirement on completion of requisite years of service, but his desire will

materialize only if he is â??permittedâ?? to retire and not otherwise. If the permission for voluntary retirement is not granted, the employee would not

be able to retire. The relevant portion of the judgment reads as under:-

â??8. Clause (2) of the Bye-law inter-alia provides for voluntary retirement from service of HPMC on completion of 25 yearsâ?? service

or on attaining the age of 50 years whichever is earlier. The employee, however, has a right to make a request in that behalf and his request

would become effective only if he is 'permitted' to retire. The words "'may be ... permitted at his request'" clearly indicate that the said clause

does not confer on the employee a right to retire on completion of either 25 yearsâ?? service or on attaining the age of 50 years. It confers

on the employee a right to make a request to permit him to retire. Obviously, if request is not accepted and permission is not granted the

employee will not be able to retire as desired by him. Para (5) of the Bye-law is in the nature of an exception to para (2) and permits the

employee who has not completed 25 yearsâ?? service or has attained 50 years of age to seek retirement if he has completed 20 years

satisfactory service. He can do so by giving three months' notice in writing. The contention of the learned Counsel for HPMC was that

though Para 5 of the Bye-law relaxes the conditions prescribed by para 2, the relaxation is only with respect to the period of service and

attainment of age of 50 years and it cannot be read to mean that the requirement of permission is dispensed with. On the other hand, the

learned Counsel for the respondent submitted that as para 5 opens with the words "'Notwithstanding the provision under para 2'" and the

words"" may be...permitted at his request"" are absent that would mean that the employee has a right to retire after giving three months' notice

and no acceptance of such a request is necessary. We cannot agree with the interpretation canvassed by learned Counsel for the

respondent. The Bye-law has to be read as a whole. Para 2 thereof confers a right on the employee to request for voluntary retirement on

completion of 25 yearsâ?? service or on attaining the age of 50 years, but his desire would materialize only if he is permitted to retire and

not otherwise. Ordinarily, in a matter like this an employee who has put in less number of years of service would not be on a better footing

than the employee who has put in longer service. It could not have been the intention of the rule-making authority while framing para 5 of

the Bye-law to confer on such an employee a better and a larger right to retire after giving three months' notice in writing. The words ""seek

retirement"" in para 5 indicate that the right which is conferred by it is not the right to retire but a right to ask for retirement. The word

seek"" implies a request by the employee and corresponding acceptance or permission by HPMC. Therefore, there cannot be automatic

retirement or snapping of service relationship on expiry of three months' period.

9. The Tribunal also failed to appreciate that the following observations made by the Andhra High Court in Gummadi Sri Krishana Murthy

v. Distt. Educational Officer

â??On the facts of this case, we are of the view that the rules above-mentioned intended that the employee has to give advance notice to the

employer so that the latter could make necessary arrangements for employing some other person. It was also the intention of the rules that

this privilege given to the employer could not be exercised beyond a reasonable period here fixed as three months for the employee should

equally know where he stands. For example, the employee might have opted to retire because of offers of employment elsewhere or he might

wish to make some other arrangement in regard to his own affairs. In such a situation, the employer could not be given a unilateral right to

communicate his acceptance or otherwise at his own sweet will and without any limitation as to time.â??

were by way of justification of rule which provided that ""provided that the

competent authority shall issue an order before the expiry of the notice period accepting or rejecting the notice." The High Court has not laid down a general proposition of law that when an employee seeks voluntary retirement the employer has to exercise his privilege of accepting or rejecting the request within a reasonable time and if a period is fixed for giving a notice in that behalf then the decision has to be taken within the period so fixed.

10. We are, therefore, of the opinion that the Tribunal was wrong in holding that under para 5 of the bye-law the employee has a right to retire after giving three months' notice and that the respondent stood retired with effect from 26-2-1991 on expiry of three months' notice period as the respondent's request for retirement was not rejected within that period. We, therefore, allow this appeal and set aside the order passed by the Tribunal. It will be open to the appellant to proceed further with the proposed enquiry if it is otherwise expedient and permissible to do so. However, in view of the facts and circumstances of the case there shall be no order as to costs.â??

4(ii)(b). In (2018) 17 SCC 578, titled State of Uttar Pradesh and others Versus Achal Singh , Honâ??ble Apex Court after taking note of various precedents, held that whether voluntary retirement is automatic or an order is required to be passed depends on phraseology used in particular rule under which the retirement is to be ordered or voluntary retirement sought. Relevant portion of the judgment while discussing Rule 56(2) of U.P.

Fundamental Rules is as under:-

â??12. In our opinion, whether voluntary retirement is automatic or an order is required to be passed would depend upon the phraseology used in a particular rule under which retirement is to be ordered or voluntary retirement is sought. The factual position of each and every case has to be seen along with applicable rules while applying a dictum of the Court interpreting any other rule it should be in pari material. Rule 56(2) deals with the satisfaction of the Government to require a government servant to retire in the public interest. For the purpose, the Government may consider any material relating to government servant and may requisition any report from the Vigilance establishment.

22. In *State of Haryana*, (1999) 4 SCC 293, this Court also observed that:

¶9. ¶ Some rules are couched in language, which results in an automatic retirement of the employee upon the expiry of the period

specified in the employee's notice. On the other hand, certain rules in some other departments are couched in the language which

makes it clear that even upon expiry of the period specified in the notice, the retirement is not automatic and an express order granting

permission is required and has to be communicated. The relationship of master and servant in the latter type of rules continues after the

period specified in the notice till such acceptance is communicated ¶ the refusal of permission could also be communicated after three

months and the employee continues to be in service.¶

It is the aforesaid later observations made by this Court, which are squarely applicable to the rule in question as applicable in the State of

Uttar Pradesh.¶

After considering *Suman Behari Sharma's* case, *supra* and (2009) 10 SCC 514, titled *Padubidri Damodar Shenoy v. Indian Airlines Ltd.*, (2013) 14

SCC 486, titled *C.V. Francis v. Union of India* and (2001) 3 SCC 290, titled *Tek Chand v. Dile Ram*, following was observed in respect of Rule 56 of

U.P. Fundamental Rules:-

¶28. In our opinion, Rule 56(c) does not fall in the category where there is an absolute right on the employee to seek voluntary

retirement. In view of the aforesaid dictum and what is held by this Court, we find that the prayer made to make a reference to a large

Bench, in case this Court does not follow the earlier decision is entirely devoid of merit as on the basis of what has been held by this Court

in the earlier decisions, we have arrived at the conclusion. This Court has authoritatively laid down the law umpteen number of times.¶

Finally, it was held as under:-

¶42. There are several decisions of the High Court, namely, *Anil Dewan v. State*, *State of Punjab v. Harbir Singh Dhillon* and *Kalpana*

Singh v. State of Rajasthan, which were cited to show that the decision in *Dinesh Chandra Sangma* had been followed. We have considered

the aforesaid decisions and we find that it would depend upon the scheme of the Rules. Each and every judgment has to be considered in

the light of the provisions which came up for consideration and question it has decided, language employed in the Rules, and it cannot be

said to be of general application as already observed by this Court in State of Haryana.â??

4(ii)(c). The contention of deemed premature retirement of petitioner cannot be accepted in view of the provisions of the applicable Rules. It is under

the proviso to Rule 3 that the petitioner was seeking premature retirement. The provisos to Rule 3 Sub-Rule 2 as incorporated in the Rules by virtue of

the amendments carried out (already extracted above) provide that any government servant with satisfactory service record may, after giving notice

of not less than 3 months in writing to the appropriate authority, retire from service on completion of 20 years of regular service after such notice has

been accepted by the appropriate authority. Therefore, the contention raised by learned Senior Counsel for the petitioner that the petitioner shall be

deemed to have been prematurely retired on completion of his twenty years of qualifying service on 30.06.2019 cannot be accepted. There is nothing

on record to show that the notice of premature retirement was ever accepted by the respondents. Rather, the stand of the respondents is that

petitionerâ??s request for premature retirement was once again rejected by them on 19.06.2019. Though petitioner denies receipt of this

communication. Be that as it may. The upshot of above discussion is that there cannot be â??deemedâ?? premature retirement under provisos to

Rule 3(2) of H.P. Services (Premature Retirement) Rules, 1976.

4(iii). Duties discharged by the petitioner

:-Petitioner availed and was granted extraordinary leave w.e.f. 30.07.2018 to 26.03.2019 and earned leave from 01.04.2019 to 28.06.2019. 149

daysâ?? half pay leave was sanctioned to him w.e.f. 03.07.2019 to 11.11.2019. Ever since 18.11.2019, the petitioner has remained absent

unauthorizedly till date and for that reason, the respondents have initiated disciplinary proceedings against him under Rule 14 of the CCS(CCA) Rules,

1965 on 19.03.2021. Initiation of disciplinary proceedings does not per se bar premature retirement of a government servant under the applicable rules.

Existence of such circumstances attract second proviso to Rule 3(2), whereunder premature retirement can only be granted with specific approval of

the Competent Authority. In the facts of instant case, disciplinary proceedings

were initiated against the petitioner on 19.03.2021, i.e. after filing of the writ petition.

No other point was urged.

5. Relief:-

Prayer of the petitioner is that he be retired prematurely on his completing twenty years of service, i.e. on 30.06.2019. The main stand taken and

pleaded by the respondents that petitioner did not possess the required twenty years of qualifying service as on 30.06.2019 has been rejected as

discussed above in paras 4(i)(a)-(c) of this judgment. In view of the above discussion, the respondents are directed to reconsider the petitioner's

request of premature retirement in accordance with law within a period of two weeks from today. While reconsidering the case, the observations

made in the judgment shall be kept in view.

The writ petition is disposed of in the above terms. Pending miscellaneous application(s), if any, also stand disposed of.