

(2011) 11 P&H CK 0021
In the Punjab And Haryana At Chandigarh
Case No : LPA No. 2095 of 2011 (O and M)

E/ASI Pritam Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 18-11-2011

Acts Referred:

Citation : (2011) 11 P&H CK 0021

Hon'ble Judges : Tejinder Singh Dhindsa, J;Permod Kohli, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Permod Kohli, J.—This Letters Patent Appeal is directed against the judgment dated 21.10.2011 passed by learned Single judge dismissing the writ petition filed by the Appellant challenging the order of voluntary retirement.

2. Briefly speaking the facts of the present appeal are that the Appellant applied for voluntary retirement vide his application. The request of the Appellant was accepted by the competent authority vide order dated 28.02.2011 and the Appellant was ordered to be retired w.e.f. 30.04.2011. After having been retired, the Appellant filed an appeal on 13.07.2011 against the order of his voluntary retirement before the Inspector General of Police, Ambala Range, Ambala stating therein that he was subjected to a departmental inquiry and the inquiry officer submitted a report against him. It is alleged that Superintendent of Police, Yamuna Nagar called him and informed that an inquiry is against him and either he seek voluntary retirement or otherwise he will dismiss him from service. He alleged that application for voluntary retirement was under pressure. The Appellant accordingly pleaded that he wants to serve in the department. This appeal of the Appellant has been rejected by the Inspector General of Police, Ambala Range, Ambala (Appellate Authority) vide order dated 12.09.2011. The Appellant challenged the order of voluntary retirement before the learned Single Judge in civil writ petition, which has been dismissed by the impugned order. It has been observed that since the Appellant submitted the application for

voluntary retirement and withdrew the same after the application had been accepted by the competent authority, the Appellant has no cause to come to the Court.

3. We have heard learned Counsel for the Appellant and also perused the record of the writ petition. We find that the Appellant himself filed an application for voluntary retirement which is an admitted fact on record. He was ordered to be voluntarily retired from service w.e.f. 30.04.2011. Order of voluntary retirement dated 28.02.2011 was duly communicated to the Appellant in time and he was to be relieved w.e.f. 30.04.2011. Even during this period, the Appellant neither applied for withdrawal of the application of the voluntary retirement nor approached any higher authority alleging any pressure etc. The Appellant had two months' time for lodging any complaint in respect to alleged pressure from the SP concerned or filing the appeal on receipt of order dated 28.02.2011. No such complaint or appeal was filed. Otherwise also nothing prevented the Appellant from seeking withdrawal of the application for voluntary retirement before it became operational on 30.04.2011. He filed appeal only on 13.07.2011.

4. Under these circumstances, we do not find any ground to interfere with the impugned judgment passed by learned Single Judge. This appeal is devoid of any merit. Dismissed.