
(2010) 12 P&H CK 0217
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2665 of 2010

Ram Nath

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 07-12-2010

Acts Referred:

Citation : (2010) 12 P&H CK 0217

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Judgement

Ranjit Singh, J.—The Petitioner, who was compulsorily retired from service w.e.f. 05.02.2009, has approached this Court for quashing the said order and for taking him back into service. Alternatively, the Petitioner has prayed that direction be issued to the Respondents to release the retiral benefits i.e. gratuity, pension etc.

2. The Petitioner had joined the service as Forest Guard on 19.02.1973. He was issued a show cause notice on 16.10.2008 for compulsory retirement on completion of 55 years of age. The Petitioner challenged the same by filing a civil suit at Hansi on 05.02.2009. The civil Court issued notice but did not grant interim order for stay of the compulsory retirement. The Petitioner, accordingly, was retired from service compulsorily on 05.02.2009. Thereafter, the Petitioner withdrew the suit on 27.05.2009 and has filed the present writ petition after serving a legal notice to the Respondents.

3. Prima facie, the Petitioner seems to be interested in getting release of his pension and pensionary benefits, though he has half-heartedly challenged his compulsory retirement. The State counsel would draw my attention to the record of service of the Petitioner annexed with the reply as Annexure R-3. Majority of the reports of the Petitioner starting from 1997-98 are of average or below average grading and in three reports, integrity of the Petitioner was also doubted.

4. In view of the instructions issued by the Government, regulating the compulsory retirement, an employee is required to have 70% or above good

reports for being retained in service after completion of 55 years. The Petitioner is not having the requisite good reports. In view of the nature of reports, which the Petitioner has to his credit, the action of the Government in compulsorily retiring the Petitioner cannot be faulted. The prayer of the Petitioner for quashing the order of compulsory retirement, therefore, is declined.

5. It is also not clear whether the Petitioner had taken permission to withdraw the civil suit with liberty to file the writ petition. The case of the Petitioner is required to be considered for release of pension and pensionary benefits to which he is entitled to. Efforts be made to release the pension and pensionary benefits due to the Petitioner within a period of 3 months from the date of receipt of copy of this order.

6. The present writ petition is disposed of with the above observations.