

**Ladu Dan Vs. State and anr**

**Ladu Dan Vs. State and anr**

**SooperKanoon Citation :** [sooperkanoon.com/1009076](http://sooperkanoon.com/1009076)

**Court :** Rajasthan Jodhpur

**Decided On :** Jul-18-2013

**Appellant :** Ladu Dan

**Respondent :** State and anr

**Judgement :**

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR  
:ORDER: Ladu Dan Vs. State of Rajasthan & Another (S.B. Civil Writ Petition  
No.3169/2002) DATE OF ORDER : July 18, 2013 PRESENT HON'BLE MR.  
JUSTICE GOPAL KRISHAN VYAS \_\_\_\_\_

Mr. R.S. Saluja for the petitioner. Mr. Harish Purohit for the respondents. BY THE  
COURT : Instant writ petition has been filed by the petitioner for quashing order of  
compulsory retirement (Annex.-2) dated 15.10.2001 with further prayer to reinstate  
in service with all consequential benefits. As per facts of the case, the petitioner  
was initially appointed as Conductor on 24.06.1974 and, after completion of 25  
years of service as per the 2 respondents, an order was passed for compulsory  
retirement of the petitioner as per Regulation 23 of the Pension Regulations 1989  
of the Corporation. The petitioner preferred this writ petition on the ground that he  
has wrongly been given compulsory retirement on 15.10.2001 because the  
respondents committed mistake while compulsorily retiring the petitioner before 25  
years of service and to undo the mistake without even being asked for by the  
petitioner the respondents granted relaxation of one year nine months service  
which is totally illegal, therefore, the compulsory retirement order deserves to be

quashed. Learned counsel for the petitioner submits that for the purpose of compulsory retirement the condition precedent is that employee should have completed 25 years of service which the petitioner had not completed on the date when the compulsory retirement order was passed. After issuing notice, an objection was raised by the respondent Corporation that contention of the 3 petitioner is totally wrong that he had not completed 25 years of service, so also, it is submitted that the petitioner has deliberately made a false statement on oath to mislead this Court that relaxation of 1 year 9 months was granted which was short for qualifying service of 25 years; in fact, the petitioner himself filed an application for regularization of his leave period after his retirement for the purpose of benefit of service, in which, he remained absent and those applications were considered for the purpose of granting benefit to the petitioner. A counter affidavit was filed by the petitioner to the additional submissions made on behalf of the Corporation in which the petitioner himself accepted that he has committed mistake while making assertion in the writ petition because he was not aware of the legal consequences and, further, submits that the mistake committed by him may be condoned because it will not affect the merit of the case. In the reply filed by the respondents, it is categorically stated in para 3 that the petitioner entered in the service on 25.06.1974, therefore, he has completed 25 years of service on 25.06.1999 and this fact is not refuted by the petitioner. More so, the petitioner himself accepted the mistake with regard to wrong assertion in the writ petition. Upon perusal of Schedule-A filed along with reply it emerges that 9 penalties were inflicted against him; meaning thereby, the conduct of the petitioner is such that order of compulsory retirement is justified. Upon perusal of the entire record of the case, it is abundantly clear that the order of compulsory retirement has been passed after over-all assessment of the services record of the petitioner. Therefore, in view of the judgments of the Hon'ble Supreme Court reported in AIR 200.SC 2637.National Aviation Company of India Ltd. Vs. S.M.K. Khan; and, AIR 201.SC 2962.R.C. Chandel Vs. High Court of M.P. & Another, I am of the opinion that no error has been committed by the respondents in passing the order for compulsory retirement of the petitioner. Therefore, there is no force in this writ petition and the same is hereby dismissed. (Gopal Krishan Vyas) J.

Ojha, a.

