

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCP No.3554 fo 2014
Date of Decision: 30.10.2015

Ramesh Kumar

. . . .Petitioner

Versus

Shri Amarjeet Singh Dulat

. . . . Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.G.S. Bal, Sr. Advocate, with
Mr.A.D.S. Bal, Advocate,
for the petitioner.

Mr.Vinod S. Bhardwaj, Addl. A.G. Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

In brief, the petitioner filed the writ petition seeking a mandamus, directing the respondent to permit him to continue in service till he attains the age of 60 years by virtue of being a handicapped person. The said writ petition was disposed of on 31.01.2013 in terms of the order passed by this Court in CWP No.7233 of 2010 titled as *Bhupinder Singh Vs. State of Punjab and others* decided on 25.5.2011. It was ordered that the respondent would take a decision on the legal notice dated 17.8.2012 within a period of one month from the date of receipt of certified copy of the order, the decision so taken shall be conveyed to the petitioner forthwith and in case the claim of the petitioner is accepted, he shall be taken back in service forthwith and granted the consequential benefits within a further period of three months.

VIVEK PAHWA
2015.10.31 14:33
I attest to the accuracy and
authenticity of this document

Learned counsel for the petitioner has submitted that the decision in the case of *Bhupinder Singh (Supra)* was in *limbo* because operation of the judgment was stayed by the Supreme Court which was ultimately upheld on 16.9.2014. The respondent has now decided the legal notice of the petitioner by passing a speaking order dated 6.5.2015, rejecting the claim of the petitioner only on the grounds that the petitioner cannot be reinstated in service because he has already retired and was not appointed against the post kept for handicapped person.

Learned counsel for the petitioner has argued that the petitioner is not asking for reinstatement because he has already crossed the age of 60 years. He is only claiming the consequential benefits accrued to him had he been retired at 60 years, in terms of the order passed in the case of *Bhupinder Singh (Supra)*. It is also submitted that the respondent has illegally and arbitrarily denied the relief to the petitioner on the ground that he was not appointed against handicapped quota.

Faced with this argument, learned counsel for the State has submitted that this petition may be disposed of as the case of the petitioner would be reconsidered by the respondent on a comprehensive representation made by him. Learned counsel for the petitioner is not averse to the suggestion made by learned counsel for the State and hence, the present petition is disposed of with a direction to the respondent that in case the petitioner makes a comprehensive representation within a month, the same shall be decided by him within two months thereafter by passing a speaking order, in accordance with law, keeping in view the fact that the

judgment in the case of *Bhupinder Singh (Supra)* has now been upheld by the Supreme Court.

30.10.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**