

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

CWP No. 11257 of 2015
Date of decision: 09.10.2015

Shashi Sharma

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Sukhdev Kamboj, Advocate, for the petitioner.

Mr.Rakesh Verma, Sr.D.A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

Petitioner seeks the relief of quashing of the order dated 21.05.2015 (Annexure P9), passed by respondent No.4, whereby the claim of the petitioner for extension of service and the retirement age from 58 to 60 years, has been rejected.

In the written statement filed, the plea taken is that in view of the instructions dated 19.11.2014, issued by the State of Punjab, the retirement age of the petitioner will be 60 years under the Persons With Disability (Equal Opportunities, Protection of Rights and Full Participation) Act,1995 (for short, the 'Act'). In view of the interim order passed by this Court on 28.05.2015, the petitioner has not been relieved from her post.

The impugned order shows that respondent No.4, while passing the said order, observed that the petitioner does not come under the disability as defined in the letter dated 19.11.2014, as it pertained only to the employees who are permanently blind or of low vision. A perusal of the certificate dated 02.11.2011, issued by the Medical Board, Office of Civil Surgeon, Patiala, would go on to show that the petitioner has an artificial right eye and normal visual of left eye, leading to permanent visual disability of 40%. The letter dated 19.11.2014

(Annexure P6) whereby the Government has extended the benefit of extension in service to the blind employees who also are disabled persons and are covered under Section 33 of the Act and as per Clause 2(i), there has to be blindness or low vision.

In view of the above, the present writ petition is allowed and the impugned order dated 21.05.2015 (Annexure P9), which has been validly not justified by the State, is accordingly, quashed. The petitioner will be allowed to continue in service till the age of 60 years, as per instructions of the Government.

09.10.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE