

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

**CWP No.24171 of 2015
Date of decision:18.11 2015**

Baljit Kaur Mann ... Petitioner

Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioner is a physically disabled person who retired from service on May 31, 2011. The decision, on which his claim is based in this petition, is rendered in **CWP No.7233 of 2010, Bhupinder Singh v. State of Punjab & ors.** May 25, 2011 which was a week before the petitioner retired from the service on reaching the age of superannuation at 58 years. She claimed the benefit of extra service of 2 years available to 'physically handicapped' employees in terms of decision of the *Bhupinder Singh's case (supra)*. In State appeal to the Supreme Court both the orders of the learned Single Judge and of the Division Bench upholding the opinion of the learned single judge were affirmed. The petitioner claims the benefit of the last sentence recorded in the directions of the learned Single Judge in CWP No.7233 of 2010 (Bhupinder Singh vs. State of Punjab & ors.), where it is directed that “He shall be deemed

to have retired at the age of 60 years and will be entitled to all consequential benefits”.

Mr. Saurabh Arora appearing for the petitioner also relies on a decision rendered by this Court in CWP No.23145 of 2015, titled **“Paramjit Singh v. The State of Punjab & ors.”**, decided on October 31, 2015, where a similar and identical issue has been decided at the first preliminary hearing of the petition to obviate wastage of time of the Court which would result if summons to the State were issued on notice of motion only to await response from the State on an issues which stands settled by final judicial precedent on a point which is no longer *res integra* and is covered by the decision of the Supreme Court in SLP No.10610 of 2013 decided on September 16, 2014 upholding the view of this Court.

Therefore, let formal notice of motion be issued to the respondents.

On the asking of Court, Mr. Inqulab Nagpal, AAG, Punjab accepts notice on behalf of the respondents and waives service on them.

Learned law officer appreciates that the matter is covered by the decision of this Court in the case relied upon by Mr. Arora and nothing more can be added or subtracted from that order and the same will govern the present case which is covered matter.

As a result, this petition is allowed in terms of the order passed in CWP No.23145 of 2015. The impugned stand taken in the reply to the legal notice sent by post by the State Government in Annexure P-15 to the counsel of the petitioner is set aside by issuing writ of certiorari

as it does not reflect the correct legal position. The respondents are directed to calculate and pay the financial dues as though the petitioner had continued to serve from May 31, 2011 till May 31, 2013 on the assumption that her rights stand crystallized by the orders of the learned Single Judge passed one week prior to her retirement and would thus apply retroactively to her case as the directions can be read in rem. The financial benefits so calculated be paid to the petitioner within two months from the date of receipt of a certified copy of this order failing which it will become payable with interest @ 12% till realization. It has been pointed out by Mr. Arora from the impugned order dated October 29, 2015 that the date of retirement of the petitioner is wrongly mentioned as May 31, 2014 therein while it should be read as May 31, 2011 being a typographical mistake.

(RAJIV NARAIN RAINA)
JUDGE

18.11.2015
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