

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

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**Civil Writ Petition No.7138 of 2015
Date of Decision:23.04.2015**

Ramandip Singhpetitioner

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.B.S.Sidhu, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Notice of motion.

Mr.Anshul Gupta, Assistant Advocate General Punjab, present in the Court, accepts notice on behalf of the respondents. As regards the nature of order, I propose to pass in this petition, no formal response by the State is necessary, at this stage.

A writ in the nature of mandamus is prayed for, to direct the respondents not to retire the petitioner at the age of 59 and he be granted extension in service by a year, in terms of the decision rendered by this Court in CWP No.7233 of 2010, decided on 25.05.2011 (Annexure P2) and judgement of Hon'ble the Supreme Court in Civil Appeal No.8855 of 2014, dated 16.09.2014 (Annexure P3). And consequent instructions dated 19.11.2014 (Annexure P4).

It is averred that the petitioner is orthopaedically

handicapped to the extent of 55%. Pursuant to the decisions rendered by this Court in CWP No.7233 of 2010, decided on 25.05.2011 (Annexure P2) and Hon'ble the Supreme Court in Civil Appeal No.8855 of 2014, decided on 16.09.2014 (Annexure P3), the State government has issued instructions dated 19.11.2014 (Annexure P4), which postulate, extension in the age of retirement for handicapped employees from the age of 58 years to 60 years, under Section 33 of the Persons with Disabilities (Equal Opportunities Protection of Right and Full Participation) Act, 1995 (for short 'the Act').

It is maintained that the benefit as regards the age of retirement is now admissible to all the handicapped employees including the blind employees, covered under Section 33(c) of the Act. That being so, the petitioner has even represented to the Director General of Police, Punjab, Chandigarh, in this regard, vide representation dated 01.04.2015 (Annexure P5). But the same is still pending consideration, as no tangible result has emerged. And the petitioner is slated to retire on 30.04.2015.

Learned counsel for the petitioner submits that let this petition be disposed of, only with a direction to respondents No.1 and 2, to consider and decide the claim of the petitioner, within a specified time, as the time is the essence of the situation.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondents No.1 and 2, to consider and decide the claim of the petitioner, as set out in his representation dated 01.04.2015

(Annexure P5), strictly, in accordance with law. As the petitioner is due to retire on 30.04.2015, learned State counsel fairly states that a decision on the representation of the petitioner shall be reached within a period of one week, from today.

A copy of the order be given to learned State counsel under the signatures of Bench Secretary of this Court, for compliance.

23.04.2015

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(ARUN PALLI)
JUDGE