

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

**CWP No.8111 of 2015 (O&M)
Date of decision: 28.05.2015.**

EASI Shyam Kumar

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Rohan Sharma, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

CM-6695-CWP-2015

This is an application for placing on record Annexure P-4.

Application is allowed and Annexure P-4 is taken on record.

CWP-8111-2015

The present writ petition has been filed for issuance of a writ in the nature of mandamus directing respondent No.2 to extend the date of retirement of the petitioner in view of the instructions dated 31.01.2006 as the petitioner is 80% handicapped and as per said instructions, the employees, who are possessing minimum degree of

disability of 70% are entitled to be retired at the age of 60 years whereas the petitioner is going to retire on 31.05.2015.

Learned counsel for the petitioner submits that a legal notice was also served upon the respondents but no action has been taken so far.

Heard arguments of learned counsel for the petitioner and have also perused the documents on the file including instructions dated 31.01.2006, which is stated to be applicable in the case of the petitioner.

As per aforesaid instructions, the petitioner cannot be retired at the age of 58 years as the employees, who are having more than 70% degree of disability are entitled to remain in service upto the age of 60 years.

Although, no document has been placed on record to show that the petitioner is going to retire but only on the basis of apprehension, this writ petition has been filed.

Without commenting anything on the merits of the case, keeping in view the instructions dated 31.01.2006 and the disability of the petitioner, which is stated to be more than 70%, the present writ petition is disposed of with a direction to respondents No.2 and 3 to consider the legal notice (Annexure P-3) and take necessary action in accordance with law specially in view of the instructions dated 31.01.2006.

If, the case of the petitioner is found to be covered by the

aforesaid instructions, the petitioner be allowed to remain in service upto the age of 60 years.

Disposed of accordingly.

28.05.2015
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(DAYA CHAUDHARY)
JUDGE