

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1249 of 2015

Date of decision: August 26, 2015.

State of Haryana

... **Appellant**

v.

Krishna Devi

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Ms. Palika Monga, Deputy Advocate General, Haryana
for the appellant.

Hemant Gupta, J. (oral)

CM-2660-LPA-2015

For the reasons mentioned in the application, the same is allowed and delay of 148 days in filing the appeal is condoned.

LPA-1249-2015

Present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by the learned Single Bench of this Court on 23.1.2015, whereby the husband of the petitioner was found entitled to the benefit of extension in age being a handicapped employee in terms of circular dated 31.1.2006.

The circular dated 31.1.2006 (Annexure P-2) is to the extent that the normal retirement age of disabled Group 'A' to 'D' employees shall be 60 years. The decision was to come into force at once and was required to be brought to the notice of all concerned.

The husband of the writ petitioner was not granted benefit of such circular for the reason that he has not produced certificate of disability from the PGIMS, Rohtak though he has produced such certificate from the Civil Surgeon, Panchkula. Learned Single Judge has found that the

requirement of obtaining disability certificate was not brought to the notice of the employee as such circular was posted on the websites alone.

It is not disputed that the State was aware of the fact that the employee was suffering from physical disability. He has furnished disability certificate from a Civil Surgeon. It is only a case of irregularity of not obtaining disability certificate from the Medical Board of PGIMS, Rohtak, which could not be a ground to decline the extension in service to a disabled employee.

We do not find any error in the order passed by the learned Single Bench.

Dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

August 26, 2015.
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