

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 12839 of 2016(O&M)

Date of Decision: 08.7.2016.

Roshan Lal

--Petitioners

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.B. Kaushik, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who was serving on the post of Mechanic under Haryana Roadways, has retired w.e.f. 30.6.2016 upon attaining the normal age of superannuation i.e. 58 years.

The present petition has been filed being aggrieved of the action of the official respondents in not having granted to him an extension of 2 years service beyond the normal age of superannuation inspite of suffering from a 100% disability element. Counsel would argue that as per State policy and instructions dated 31.1.2006 the normal retirement age of Class-III employees and who have 70% disability is to be 60 years instead of 58 years. Counsel has adverted to the certificate issued from the office of the Civil Surgeon, Jhajjar to contend that the petitioner has a 100% permanent physical impairment. It is further argued that the claim of the petitioner seeking extension of service for a period of 2 years has been declined by the General Manager, Haryana Roadways, Jhajjar at Annexure P-3 only on the ground that the application seeking such benefit had not been furnished in time.

Notice of motion.

On the asking of the Court, Mr. Rajesh Gaur, learned Addl. A.G., Haryana accepts notice on behalf of respondents-State. A complete copy of the writ paper book has been furnished to learned State counsel.

In view of the order that I intend to pass, there would be no requirement for calling a reply on behalf of the State to the present writ petition.

The certificate appended and placed on record at Annexure P-1 dated 15.6.2016 issued from the office of Civil Surgeon, Jhajjar would amply demonstrate that the petitioner is 100% hearing impaired. The delay that has occurred on the part of the petitioner to stake his claim for extension of 2 years cannot be a sole ground for rejection of his claim. The claim of the petitioner seeking extension of 2 years and to continue in service till attaining the age of 60 years had to be considered in the light of the certificate at Annexure P-1 and read with policy/instructions issued by the State Govt. dated 31.1.2006 or any other instructions issued on the subject thereafter.

As such, without making any observations on merits, the order at Annexure P-3 dated 12.5.2016 is set aside.

The matter is remanded back to the competent authority/respondents no.2 and 3 to take a decision on the claim of the petitioner seeking extension in service up to the age of 60 years in the light of the observations contained in this order. Let a final order be passed within a period of 4 weeks from today.

The submission made by counsel for the petitioner is also recorded that there was delay on the part of the petitioner while applying for the benefit of extension of service and as such, in case claim of the

petitioner were to be accepted for grant of extension of 2 years, the petitioner would forego the salary for the period that he has not worked i.e. after attaining the age of 58 years and up to the date an order is passed granting him extension for a period of 2 years.

Petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

08 July, 2016.
lucky