

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

CWP No.15220 of 2015(O&M)

Date of decision: 29.2.2016

Dr. Rashmi Aggarwal

... Petitioner

Versus

State of Punjab & ors.

... Respondents

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

Present: Mr. Pawan Kumar, Sr. Advocate, with
Mr. Rozer Kumar, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl.A.G., Punjab.

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

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner is a Dentist in Class I service serving the Punjab State. The written statement filed by the State is not conclusive in understanding whether a medical doctor who is a person suffering from physical disability of low vision is entitled to the benefits under the Punjab Government Policy of extension in service beyond superannuation for two years, being one year at a time and in addition thereto it is claimed that the petitioner is entitled to two years of service beyond extension period superannuation on account of being physically handicapped. The claim is based in terms of the special concessions granted under the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995. In response to answer the question raised the State may refer to the orders passed in

CWP No.21960 of 2014 (Jarnail Singh v. State of Punjab & ors.) decided

on December 17, 2014, a copy of which Mr. Manuja would forward to the State Government i.e. the clarification dated November 19, 2014 which was an advise of the Department of Personnel (Personnel Circular-2 Branch) taken in terms of the directions issued in that case (supra) resulting in the clarification to the effect that physically handicapped employees, who already stand retired in the age of 60 years shall not be given the benefit of two years extension in service. The petitioner has thus no case for compelling further service beyond the age of 60 years on Government salary. On these premises, the writ petition is dismissed.

2. From the record of this case it is informed that two subsequent instructions have been issued, as cited by the learned Senior counsel appearing for the petitioner, which are dated November 21, 2014 [annex P-13] and December 22, 2014 [annex P-14]. These are required to be noticed.

3. Therefore, the dismissal of this writ petition will not foreclose the rights of the petitioners for grant of annual increments during the period of service rendered after superannuation on extension. That right is separate and distinct from the main relief sought and a direction hence is issued to the respondents to consider the issue of increments within one month from the date of receipt of a certified copy of this order. In case the petitioner prays for personal hearing, the same shall be allowed for considering the case of grant of increments to the petitioner as prayed for since the State averred in its written statement that they are due and payable. Therefore, the monetary benefits of the increments for the period of extension of service in terms of them policy

are required to be calculated and the arrears paid to the petitioner. Accordingly, after re-determination the pension be revised and paid within two months of the date of receipt of a copy of this order.

4. The petition is dismissed except insofar as the directions in paragraph 3 above.

(RAJIV NARAIN RAINA)
JUDGE

29.2.2016
monika