

The petitioner was working as a Punjabi Lecturer with respondent-department. He was due to retire on 30.4.2012. On the same day, he filed an application (Annexure-P-2) before the then Principal Government Senior Secondary School, Lubhangarh, District Ludhiana, where he was working, for extension of service till the age of 60 year on the ground that he is a physically handicapped person. The then Principal of Government Senior Secondary School, Lubhangarh, District Luhiana, declined the same, vide order dated 30.4.2012 (Annexure-P-2), on the said application. Thereafter, it appears that the petitioner remained silent for 4 ½ years. Later on, the petitioner filed representation dated 13.10.2016 (Annexure-P-8) before the Director Public Instructions (School), Punjab, Chandigarh (respondent No. 2 herein), claiming two years' service benefit as he was wrongly retired from service at the age of 58 year. It is stated that no decision on the said representation dated 13.10.2016 (Annexure-P-8) has been taken so far.

CWP No. 12792 of 2017 (O/M)

Heard.

I am of the view that the petitioner had crossed the age of 60 year on 30.4.2014. He did not challenge the order dated 30.4.2012 (Annexure-P-2), when he was yet to complete the age of 60 year. Even the representation dated 13.10.2016 (Annexure-P-8) was filed before the Director Public Instructions (School), Punjab, Chandigarh (respondent No. 2 herein) when the petitioner had already crossed the age of 60 year. Since the petitioner has now already crossed that age of 60 year, therefore, for the simple reason, the extension of two years on the ground that the petitioner is a physically handicapped person, cannot be granted. Even on the ground that the matter was finally decided by this Court later on, the claim of two years' service benefit cannot be granted to the petitioner since neither any extension was given within time, nor order dated 30.4.2012 (Annexure-P-2) was challenged before crossing the age of 60 year. Therefore, after the petitioner has crossed the age of 60 year, he could not be granted two years' extension on the ground that he is a physically handicapped person. Since the petitioner cannot be granted the extension of two years, therefore, service benefit for the said assumed service period cannot be granted. Finding no merit in the present writ petition, the same is dismissed.

(KULDIP SINGH)
JUDGE

2.6.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No