

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25641 of 2016.

Date of Decision: May 11, 2017

Ajaib Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Munish Mittal, Advocate, for the petitioner.

-.-

Surya Kant, J. (Oral)

The petitioner joined the Haryana Roadways as a Conductor and finally retired from the post of Sub Inspector w.e.f. 30.04.2016 on attaining the age of 58 years. The petitioner claims that while in service, he met with accident on two occasions as a result of which he became disabled to the extent of 42%. The State Government has formulated a Policy dated 31.01.2006 whereunder disabled employee is granted extension of two years, namely, he is to retire at the age of 60 years if his disability is 70% or above. The petitioner claims that the Policy is contrary to the spirit of definition of "persons with disabilities" as defined under the 'Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995' whereunder a person suffering not less than 40% of any disability is acknowledged as the person suffering with disability. The petitioner is said to have represented the State Government before his retirement on 12.12.2014 but finding no response to his request, the instant writ petition has been filed.

Having heard learned counsel for the petitioner though it

appears to us that the benefit of extension in service is an additional benefit and the State Government might be well within its right to restrict the benefit in favour of those differently abled persons whose disability is more than 70%, nevertheless, the State Government can consider the desirability of reducing the percentage of disability keeping in view the spirit of definition of 'persons with disabilities' given in the 1995 Act. We thus dispose of this writ petition with a direction to the respondents to consider the above-mentioned claim of the petitioner and take an appropriate decision within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 11, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No