

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

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**CWP-8125-2015 (O&M)
Date of decision: 12.01.2017**

Jai Narayan

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

Ms. Ruchita Garg, Advocate for
Mr. Vishal Garg, Advocate for respondents No. 2 to 6.

P.B. Bajanthri, J. (Oral)

In the present writ petition, the petitioner seeks writ of mandamus holding that he is entitled for 2 years of extension of service with reference to provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 read with the Government notifications dated 31.01.2006 and 21.04.2008.

2. The petitioner was working as Assistant Foreman and retired on 30.04.2014. As per the policy as well as PWD Act, 1995 the petitioner is stated to be entitled for extension of service from 58 years to 60 years. While he was in service he was required to make necessary application before the competent authority who is empowered to permit the petitioner to

serve for another 2 years after attaining age of superannuation. In the absence of such application before the competent authority writ petition is not maintainable.

3. Learned counsel for the petitioner vehemently, contended that he had submitted an application on 16.03.2015 vide Annexure P7 to contend that he had submitted application for permission of medical examination for the purpose of service extension which has been addressed to Executive Engineer. The application is for permission of medical examination and not for the purpose of extending the service after retirement for a period of 2 years. Perusal of such communication which is addressed to Executive Engineer who is not a competent authority to take a decision to extend services of the petitioner after retirement. In the absence of proper application for extension of service to the competent authority, the petitioner has not made out a case for seeking writ of mandamus as prayed in the present petition.

Accordingly, petition stands dismissed.

(P.B.BAJANTHRI)
JUDGE

12.01.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No