

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-5365-CWP-2017 and
CM-5366-CWP-2017 in/and
CWP No. 4894 of 2017 (O/M)
Date of decision : 17.4.2017

Rakesh Kumar Jain Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Surinder Kumar Daaria, Advocate,
for the applicant-petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

CM-5365-CWP-2017

Application is allowed, as prayed for.

Application is disposed of.

CM-5366-CWP-2017

Document (Annexure-P-12) is taken on record.

Application is disposed of.

Main case

The petitioner has placed on file the letter of the Government dated 27.2.2017 (Annexure-P-12), vide which further extension of two years was declined to him.

Heard.

The learned counsel for the petitioner admits that the petitioner was to earlier retire on 31.12.2014. He applied for two years' extension on

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account of being handicapped and the same was granted. It is further contended that there were two circulars dated 8.10.2012 and 20.9.2013, vide which after 58 years of age, one year extension each was allowed. The learned counsel for the petitioner has also referred to the judgment of a coordinate bench of this Court in CWP No. 25972 of 2015, titled as Dr. Jagjivan Singh Versus State of Punjab and others, decided on 3.8.2016 (Annexure-P-7), wherein reliance has been placed upon the authority of this Court in Bhupinder Singh Versus State of Punjab and others, 2011 (4) SCT 55 to grant extension from 60 years to 62 years.

I am of the view that the facts of the present case are different. When the petitioner attained the age of superannuation at 58 years under the then existing circulars, he could seek extension of one year and then another one year. However, he sought extension of two years under the physically handicapped category and the same was granted. Now, once the benefit of physically handicapped category has been availed by the petitioner, the same benefit cannot be availed again for his two years' extension on the ground that now an employee can get extension of one year each upto the age of 60 years. Therefore, I am of the view that the petitioner once having availed the benefit of two years' extension under the physically handicapped category cannot get the same benefit again on the same ground. Hence, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

17.4.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No