

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18457 of 2018

Date of Decision: 27.07.2018

Asgar Khan

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Ms. Savita Rana, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

1. The retirement age of employees in Haryana Government is 58 years. The petitioner retired on superannuation while serving as a Clerk in the Education Department Haryana on April 30, 2018 on reaching the age of superannuation at 58 years. The petitioner holds a certificate of 50% physical disability dated March 06, 2018 issued by the PGIMS Rohtak. He applied for extension in service for 2 years on the ground that he was 50% physically handicapped claiming that his case was covered by the provisions of Section 2 (i) and 2 (t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ("1995 Act"). He prays for a mandamus to the State directing them to grant two years extension in service till age 60 years. As per the report of the Medical Board forwarded by the Medical Superintendent, Pt. B.D. Sharma PGIMS Rohtak to the Principal, Govt. Model Sr. Sec. School, Yamuna Nagar dated March 13, 2018 the Board of Doctors examined the petitioner clinically and radiologically. He suffers from severe post burn contracture of right hand

with gross impairment of function of all four finger with partial preservation of right thumb function and movements with right hand post burn dorsal contracture. His permanent physical disability is to the extent of 50%. On these grounds, the petitioner claims extension in service. The injury is self-sustained and accidental and not from birth or suffered prior to the employment. Nor is it of such a kind that may demand such a huge concession/benefit. In these circumstances, the extent of physical disability may be 50% but the petitioner cannot claim as a matter of right benefit of extension in service. No policy instructions of the Haryana Government have been brought to the notice of the court on which the claim can rest. The 1995 Act does not cover such cases for the purposes of extension in Govt. service. The disability may hold well for other purposes but not for extending the period of service beyond 58 years for the petitioner to be paid from public funds and on the tax payers' money.

2. For these reasons, the petition is devoid of merit and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

27.07.2018
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Whether speaking/reasoned Yes

Whether reportable No