

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

**Civil Writ Petition No. 27214 of 2017 (O&M)  
Date of Decision: 19.03.2018**

Pardeep Sachdeva

..... Petitioner

**Versus**

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. G.P.S. Bal, Advocate  
for the petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab  
for respondent No. 1/State.

Mr. Anupam Singla, Advocate  
for respondent Nos. 2 & 3/PRTC, Patiala.

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**JASWANT SINGH, J.**

**CM No. 3973 of 2018**

Present application filed by counsel for the petitioner is for  
preponing the date of hearing from 01.05.2018.

Notice of the application.

On asking of the Court, learned counsel for the respondents  
accept notice of the application and they have no objection if the date of  
hearing is preponed.

In view of above, present **application** is **allowed** and the date  
of hearing is preponed from 01.05.2018 and fixed for today itself.

**CWP No. 27214 of 2017 (O&M)**

1. The petitioner vide office order dated 25.08.1982 was  
appointed as depot Manager and subsequently General Manager by Pepsu

Road Transport Corporation (for short 'Corporation'), the petitioner is a physically handicapped person suffering from loco motor disability to the extent of 50%. The respondent-Corporation in its meeting held on 29.09.2015 decided to extend the retirement age of handicapped employees, accordingly retirement age of the petitioner was enhanced from 58 to 60 years. He has attained the age of 60 years on 30.01.2018.

The petitioner has filed present writ petition seeking further optional extension of age from 60 years to 61 years in view of decision taken by State of Punjab for Class-IV employees and judgment of this Court in the case of **Dr. Jagjiwan Singh Versus State of Punjab and others**, decided on 03.08.2016 (**Annexure P-8**).

2. The conceded position as emerging from record of the case is that retirement age of the petitioner was 58 years and he got extension of two (02) years, in view of decision of respondent-Corporation in its meeting dated 29.09.2015. The State Government vide circular dated 22.12.2014 (**Annexure P-6**) has extended retirement age of physically handicapped person from 60 years to 62 years but said benefit is confined only to Class-IV employees, whose normal superannuating age is sixty (60) years. The State Government vide circular dated 08.10.2012 decided to extend tenure of service of Punjab Government employees by one year and said benefit was further extended for another one year vide circular dated 20.09.2013. The Directorate of Public Enterprises and Dis-investment, Chandigarh vide circular dated 27.02.2013 extended the benefit of optional extension of retirement age to the Officers/employees of Board/ Corporation subject to following conditions:-

1. *This decision will be implemented in those Boards/Corporations which have implemented Punjab Civil Services Rules in their By-laws/Service Rules or if the retirement age of their employees is same as that of Punjab Government employees.*

2. *Any Board/Corporation can adopt this extension in service on its own level with the approval of its Administrative Department.*

3. *Before giving approval, Board/Corporation has to consider the following points:-*

(i) *This benefit will be given to all the employees and no pick and choose policy will be adopted.*

(ii) *If the specific category has been declared in diminishing cadre or there is surplus staff in a special category then there is no need to enhance the age of superannuation for one year benefit to the employees of this specific category.*

(iii) *If there is any extra financial burden due to extension in service, the policy should not be adopted.*

(iv) *If any organization receives grant-in-aid from the Punjab Government then this policy will not be adopted.*

*These instructions will be implemented after the issue of letter dated 27/02/2013.*

3. The Board of Directors of the respondent-Corporation in its meeting dated 02.05.2013 decided not to implement policy of State Government to extend optional retirement age of the employees. The respondent Corporation was incorporated under Section 3 of Road Transportation Corporation Act, 1950 and as per Section 45 of the Act, the Corporation is empowered to make regulations for the Administration of Affairs of the Corporation including conditions and appointment of service. The State Government vide circular dated 27.02.2013 has given liberty to Board/Corporations to adopt policy of option extension and Board of

Directors of the Corporation declined to adopt said policy, in view of the

fact that it would create additional financial burden.

4. After hearing arguments the counsels for both the parties and having scrutinized record of the case, this Court finds present petition devoid of merits. The petitioner is primarily relying upon judgment of **Dr. Jagjivan Singh versus State of Punjab and others**, CWP No. 25972 of 2015, decided on 03.08.2016 (P-8), whereby this Court relying upon judgment of this Court in the case of Bhupinder Singh versus State of Punjab 2011 (4) SCT 55 has held that confining the benefit of enhancement of retirement age only to blind person creates discrimination between different categories of persons suffering with disabilities. The petitioner has failed to keep in mind that he had already got extension of 2 years only on the basis of being handicapped under the policy for handicapped. The State Government while granting benefit of optional extension had made it very clear that Boards/Corporations are at liberty to adopt policy of optional extension or not and the respondent Corporation has declined to adopt policy of option extension, therefore, the petitioner has no right to claim extension on the ground that extension has been granted to State Employees/handicapped employees beyond the age of sixty (60) years. As cited by counsel for the respondent, this Court in the case of **Subhash Chander versus Pepsu Road Transport Corporation** (present respondent) in CWP No. 17058 of 2014 vide order dated 22.08.2014 (Annexure R-2/5) has already held that policy dated 08.10.2012 providing for general extension has not been adopted by Corporation and once policy has not been adopted, no fault can be found in the order declining extension of superannuation age after availing the benefit of extended two (02) years of service beyond 58 years being a handicapped employee.

5. In view of the fact that respondent-Corporation has declined to adopt policy of general/option extension of age of superannuation and decision of this Court in the case of **Subhash Chander's case (*supra*) (R-2/5)**, the present petition deserves to be dismissed and accordingly **dismissed**.

Since the main case has been decided/dismissed, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any.

**March 19, 2018**

*'dk kamra'*

**( JASWANT SINGH )  
JUDGE**

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|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |