

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8831 of 2016
Date of Decision: 24.01.2018

Krishna Devi

...Petitioner

Vs.

The State of Haryana and others

...Respondents

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

Present: Mr. Sushil Jain, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. At the time of entry into service in 1986 the percentage of disability of the petitioner was assessed at 70% by the Medical Board constituted in the office of the Civil Surgeon, Sonipat. The petitioner is a victim of Poliomyelitis.
2. The petitioner retired from service on reaching the age of superannuation on February 29, 2016. She claims extension in service as a physical handicapped person under the policy instructions to provide her two more years' of service beyond superannuation on the ground that she is 70% disabled. However, the authority to assess extent of physical handicap is vested in the Pt. B.D. Sharma Postgraduate Institute of Medical Sciences, Rohtak. The Medical Board constituted in the Department of Medicine at Rohtak have assessed the

permanent handicap at moderate neurological defect of 50% disability with the diagnosis of Poliomyelitis of the right lower limb. The medical examination was done on September 01, 2015.

3. If the designated authority to assess physical disability for purposes of extension in service has certified the disability to be less than 70%, then the petitioner cannot claim extension in service as a matter of right for two years beyond superannuation. The opinion expressed by the Medical Board at Rohtak is an opinion of experts and overrides all previous certificates.

4. The policy of the Haryana Government on which rights are based for the disabled is dated January 31, 2006 as amended by the policy dated April 21, 2008 on the subject of extension in service to physically disabled employees beyond the age of 58 years. The competent authority named in the policy instructions to issue medical certificates to the handicapped employees is the Medical Board of PGIMS, Rohtak and it is stipulated that the Director shall personally head the said Board. Even after receipt of report of the Medical Board, the competent authority is within its power to take a decision to grant or not to grant extension in service to such physically disabled employees. Notwithstanding this part of the policy, the power may have to be read reasonably as a decision recorded in writing with reason for departure. That situation does not arise in this case.

5. For the foregoing reasons, I find no substance in this writ petition and the same is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

24.01.2018
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>