

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

Civil Writ Petition No. 1743 of 2019 (O&M)

Date of decision : 09.07.2019

Kaushal Kumar

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mohit Sadana, Advocate
for the petitioner.

ARUN MONGA, J(ORAL)

The claim of the petitioner herein is to grant him extension of service from 58 years to 62 years, on attaining the age of superannuation, as contemplated under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955(for brevity, Disability Act).

The petitioner was initially appointed as football Coach in Physically disabled category with the State of Punjab on 21.04.1980. It is stated that the respondents forcefully tried to superannuate him on 30.10.2014 at the age of 58 years, whereas for disabled persons the superannuation age was 60 years. In the circumstances, he filed a writ petition bearing CWP No. 21810 of 2014, wherein, on 01.10.2015 while disposing of the writ petition, following order was passed by this Court:-

“Accordingly, it is directed that the petitioner will be allowed to rejoin duties on the deposit of the said amount with the State by 31.10.2015 and serve for the due balance period till he attains the age of 60 years. The amount of pension which he has already taken from 01.11.2014 would be adjusted while paying the back-wages to the petitioner, from the date he retired.”

Thereafter, Hon'ble Apex Court in a case titled **Bhupinder Singh Vs. State of Punjab, 2011(4) SCT 55**, held that the retirement age of disabled persons has been extended from 60 to 62 years and placing reliance thereon, present writ petition has been filed seeking the benefit thereof.

The petitioner states that he was ever ready and willing to continue his job upto 62 years and, therefore, visited the office of his Seniors as well as the Head Office to get his service extended, but his grievance was not addressed. In the circumstances, he preferred a representation dated 20.03.2017(Annexure P-4), but the same was not adverted to, leading to the filing of present writ petition.

A perusal of the writ petition reflects that the relief sought by the petitioner has been rendered infructuous by efflux of time as he has already turned 62 years during pendency of the writ petition and, therefore, relief sought by him cannot be granted.

The writ petition is dismissed as having been rendered infructuous. However, liberty is granted to the petitioner to seek appropriate remedy with regard to redressal of his grievance for non-grant of extension beyond the age of 60 years, if he otherwise was entitled for the same.

09.07.2019

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(ARUN MONGA)
JUDGE

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |