

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

**C.W.P 10413 of 2019
Date of decision : 29.04.2019**

Bijender KumarPetitioner
versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ram Niwas Sharma, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to give him extension in service from 58 to 60 years as he has been declared 52% permanent physically disabled by Medical Board of PGIMS Rohtak vide Medical Examination Report dated 04.04.2019 (P-2).

After hearing learned counsel for the petitioner, the present petition deserves to be dismissed in view of Rule 143 of Haryana Civil Services Rules, 2016, which reads as under:-

143. Retirement on superannuation.—

(1) Except as otherwise provided in these rules, every Government employee shall retire from service on afternoon of the last day of the month in which he attains the age of retirement prescribed for him or for the post held by him in substantive or officiating capacity, as the case may be. However, a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding

month on attaining the prescribed age. The age of retirement on superannuation is fifty eight years for all groups of employees except the following for whom the same is sixty years:-

- (i) Differently-abled employees having minimum degree of disability of 70% and above;*
- (ii) Blind employees;*
- (iii) Group 'D' employees; and*
- (iv) Judicial Officers. No Government employee shall be retained in service after attaining the age of superannuation, except in public interest and in exceptional circumstances, without the approval of Council of Ministers.*

Learned counsel for the petitioner is relying upon judgment dated **04.03.2015 passed in CWP No. 3919-2015 titled as Hardev Kaur vs. State of Haryana and others (P-8)**. LPA is pending against this judgment

This judgment is not applicable as the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act), 1995 has been repealed with Haryana Civil Services Rules, 2016 wherein if the differently-abled employees having minimum degree of disability of 70% and above can be retained in service after the age of 58 years till 60 years. In the present case, it is not in dispute that the petitioner is 52% permanent physically disabled and hence no ground is made out for issuance of direction to the respondents to give extension to the petitioner in service from 58 to 60 years.

Dismissed.

April 29, 2019

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No