

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

**CWP No.10933 of 2019  
Date of decision: 18.12.2019**

Hardev Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

**Coram: Hon'ble Mr. Justice B.S. Walia**

Present: Mr. G.S Attariwala, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

**B.S. Walia, J.**

1. Prayer in the petition under Article 226/227 of the Constitution of India is for the issuance of a writ of Mandamus for directing the respondents to grant the benefit of extension of 2 years in service to the petitioner as has been granted to similarly situated employees working under the State Government in terms of instructions Annexure P/5 dated 01.01.2019 on account of being 40% physically disabled.

2. Brief facts of the case leading to the filing of the writ petition are that the petitioner's date of birth is 17.04.1961 and he joined as Physical Instructor in respondent No. 4 school i.e. Atma Ram Kumar Sabha Senior Secondary School, Patiala (which is receiving 95% Grant-in-Aid from the Government), pursuant to issuance of appointment letter Annexure P/1 dated 12.12.1994. The petitioner suffered an accident in 2014 resulting in 40% permanent disability in his right leg. Government had issued instructions

Annexure P/5 dated 01.01.2019 granting benefit of extension in service for two years to physically disabled government employees regardless of whether disability had arisen before or after joining service.

3. Claim of the petitioner is that since he suffered disability in the year 2014, he is also entitled to benefit of extension of two years in service as granted to government employees vide Annexure P/5 dated 01.01.2019 but the said benefit had not been extended to similarly situated employees of privately managed schools which was discriminatory in view of Rule 3.26 of the Punjab Civil Services Rules Volume-1 (Part-1) and Rule 10 of the Punjab Privately Managed Recognized Schools (Security of Service) Rules, 1981 (hereinafter referred to as 'the Rules 1981'), as applicable to employees of the government / government aided schools respectively providing for same age of retirement in case of group D employees as also in view of respondent school receiving 95 % grant in aid from the government. Petitioner claims that he submitted application Annexure P/6 dated 14.02.2019 to respondent No. 3 for extension of two years of service followed by reminder Annexure P/8 dated 16.02.2019 to respondent No.4 apart from representation Annexure P/7 ( Collectively) dated 11.02.2019 submitted by the Government Aided Schools Progressive Front, Punjab, (an association of various Government Aided Schools in the State of Punjab) requesting grant of extension of service for two years to physically disabled employees in terms of letter Annexure P/5 dated 01.01.2019, but to no avail, therefore, the writ petition.

5. Per contra, learned AAG, Punjab contended that service conditions of government employees were regulated in accordance with the Punjab Civil Service Rule while service conditions of employees of privately managed recognized schools were regulated in accordance with the Rules,

1981. Moreover, instructions, Annexure P/5 dated 01.01.2019 were applicable to Punjab Government employees only and not to employees of privately managed aided schools nor had the same been made applicable to employees of the privately managed aided schools, therefore the writ petition was misconceived.

7. I have considered the submissions of learned counsel for the parties. Admittedly, Annexure P/5 dated 01.01.2019 is applicable to Punjab Government employees only. Mere fact that same age of retirement is provided for under the respective rules applicable to government employees/ employees of privately managed recognized schools as also that the respondent school is receiving 95 % grant in aid from the government is no ground for claiming benefit of extension in service in terms of instructions Annexure P/5 applicable to government employees. In the absence of said instructions having been made applicable to employees working in privately managed recognized schools in the State of Punjab, no mandamus can be issued to grant benefit in terms thereof to employees working in privately managed recognized schools in the State of Punjab. The writ petition is bereft of any merit and is accordingly dismissed as such. No order as to costs.

**December 18, 2019**  
**ps**

**(B.S. Walia)**  
**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No