

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

**CWP NO. 20503 OF 2015
DATE OF DECISION : 27.08.2019**

Raj Bax Singh

...Petitioner

versus

**Punjab State Cooperative Supply and Marketing
Federation Limited (MARKFED) and another**

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. S. Chauhan, Advocate,
for the petitioner.

Mr. Vikas Singh, Advocate,
for respondents No.1 and 2.

ARUN MONGA, J. (ORAL)

1. Issuance of a writ, inter-alia, in the nature of mandamus has been sought herein directing the respondents to consider the claim of the petitioner for enhancement of his retirement age from 58 to 60 years.

2. The petitioner essentially relies on the provisions of the Person with disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as "the Disability Act").

3. The petitioner is stated to have suffered disability to the extent of 40% while he was in service and seeks benefits of protection granted to the disabled persons under the "Disability Act", whereby the disabled persons are to be granted an

extension of two years in service on attaining superannuation age at 58. Though it may be a harsh case where the petitioner being genuinely disabled, was entitled to the benefits as sought by him. But petitioner retired in the year 2011 and he, for the first time, sought the benefits of prevalent provisions under the Act, *ibid*, in the year 2015 after his retirement in the year 2011. Having not got any response from the respondents, MARKFED, he preferred this writ petition.

4. I may hasten to add that though there is substance in the arguments of the learned counsel for the petitioner that case of the petitioner is covered by a judgment (Annexure P-3) rendered by this Court in CWP No.7233 of 2010 decided on 25.03.2011. But the same, even if were to be applied to the case of petitioner, would not result the tide being turned in his favour. In the said judgment, the petitioner had approached this Court immediately, on not being granted extension in service. He was 59 years old and still had one more year left. In the premise, this Court advised the respondents-State to take him back in service.

5. The petitioner herein, is currently 66 years of age and therefore, I am not able to persuade myself on the arguments of the petitioner that even though he approached respondents belatedly after his retirement but he ought to be paid financial benefits of two years which cannot be denied to him. This petition is accordingly dismissed. However, the petitioner is at

liberty to seek appropriate remedy qua damages, if so advised.
This Court leaves it to the wisdom of the respondents to give him financial benefit of one year of service till he would have turned 60 years.

(ARUN MONGA)
JUDGE

AUGUST 27, 2019
sd/shalini

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No