

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

1. CWP No. 25055 of 2018

Mahender Singh

....Petitioner

versus

Haryana State Agricultural Marketing Board & ors.

..Respondents

2. CWP No. 407 of 2019

Ram Phal Singh

....Petitioner

versus

State of Haryana & ors.

..Respondents

3. CWP No. 7722 of 2019

Ram Mehar

....Petitioner

versus

Haryana State Agricultural Marketing Board & ors.

..Respondents

Date of decision : 08.04.2019

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.N.Lohan, Advocate
for the petitioner (s)

Mr. B.R. Mahajan, Sr. Advocate with
Mr. Hitesh Pandit, Advocate

Mr. Deepak Manchanda, Advocate

RITU BAHRI, J. (Oral)

The above mentioned three petitions, are being disposed of by this common judgment, as common questions of law and facts are involved therein. However, for the facility of reference, the facts are being taken from

CWP No. 25055-2018.

Prayer in the present writ petition is for issuance of writ in the nature of mandamus directing the respondents to keep the petitioner in service up to the age of 60 years i.e 30.09.2020 with all consequential benefits.

On 28.09.2018, this Court passed the following order:-

*“Learned counsel for the petitioner contends that the condition that a person should be 70% disabled to enable him to take extension beyond the age of 58 years, has been struck down by this Court in CWP No.3919 of 2015 titled as **Hardev Kaur vs. State of Haryana and others**, decided on 04.03.2015 (Annexure P-3). In the present case, the petitioner has suffered head injury and has become disabled to the extent of 50% as per the certificate dated 29.10.1996 (Annexure P-1) issued by the Medical Board of the Office of Civil Surgeon, Bhiwani. Learned counsel further contends that in view of the judgment passed by this Court in CWP No.3919 of 2015 (Annexure P-3), the petitioner has a right to continue in service upto the age of 60 years.*

Notice of motion.

At this stage, Mr. Deepak Manchanda, Advocate, accepts notice on behalf of the respondents and seeks time to get instructions.

Copy of this petition be supplied to learned counsel for the respondents during the course of the day.

Adjourned to 18.03.2019.

In the meantime, petitioner shall continue to work beyond the age of 58 years.

Mr. B.R. Mahajan, learned senior counsel while referring to the written statement submits that as per Rule 143 of Haryana Civil Services (General) Rules, age of superannuation for all Groups of employees is 58 years, but is 60 years for differently-abled employees having minimum degree of 70% disability and above.

In the present case, the petitioner is suffering from 50% disability as per certificate dated 29.10.1996 (P-1). The petitioner was granted the benefit of his disability at the time of initial appointment.

Keeping in view the above said Rules, the present petitions stand disposed of with a liberty to the petitioner to challenge the vires of the above Rules, if need be.

It is hereby further clarified that interim stay granted by this Court in all the three petitions that the petitioner will continue to work beyond the age of 58 years is also hereby vacated.

(RITU BAHRI)
JUDGE

08.04.2019
G Arora

Whether speaking/reasoned
Whether reportable

Yes
No