

CWP-30683-2018 (O&M)

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

**CWP-30683-2018 (O&M)
Date of decision : 17.10.2019**

Jagdish Prasad

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajesh Arora, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Hitesh Pandit, Advocate
for respondent No.3.

AMIT RAWAL, J. (ORAL)

Claim of the petitioner, in the present writ petition, is for grant of extension in service beyond 60 years on account of disability.

Mr. B.R. Mahajan, learned Senior Counsel assisted by Mr. Hitesh Pandit, learned counsel appearing on behalf of respondent No.3, submits that as per Rule 143 (1) of the Haryana Civil Services (General) Rules, 2016, (hereinafter called 'the 2016 Rules') age of retirement on superannuation is 60 years, but may be extended upto 62 years, for the differently-abled employees having minimum degree of disability of 70% and above.

It would be apt to extract the Rule 143 (1) of the 2016 Rules, which reads as under:-

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"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"

Concededly, petitioner, as per disability certificate dated 27.08.2018 (Annexure P-2), is having disability to the extent of 48%, thus, in such circumstances, he cannot seek the extension in service beyond 60 years.

No ground is made out for interference.

Dismissed.

17.10.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**