

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

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CWP-9508-2020

Decided on : 20.08.2020

Ram Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Ajay Chaudhary Advocate, for the petitioner.

Mr.Shivendra Swaroop, AAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to retire the petitioner from service on medical grounds since the petitioner is suffering more than 70% of disability and is entitled to the protection of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (1 of 1996). Further prayer is sought that the benefits be granted till his retirement, as laid down in the mandatory provisions of the said Act, by adjusting the petitioner against a supernumerary post.

On 09.07.2020, the following order was passed:

“Inter alia contends that the petitioner was appointed as a daily wager in the year 1995, was directed to be regularized w.e.f. 01.10.2003, as per order dated 06.07.2019 (Annexure P-1). In the interim period he had suffered a paralysis attack and, therefore, his case was referred to a Neurosurgeon at PGIMS, Rohtak. His age was assessed about 58 years on 09.07.2019 (Annexure P-7) and a representation dated 10.12.2019 (Annexure P-8) has been filed for voluntary retirement, keeping in view his medical condition, which has not been acted upon.

Notice of motion.

Mr.Nain, accepts notice on behalf of the respondents No.1 to 3 and prays for time to file reply.

In the meantime, in case there is no legal impediment, respondents shall take action on the representation of the petitioner and

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pass a speaking order and place the same on record alongwith the status report.

List on 20.08.2020.”

Today, State Counsel has placed soft copy of the order dated 19.08.2020 on record, passed by respondent No.3. Relevant part of the order reads as under:

“On 22.04.2019 this office received application of the petitioner for voluntary retirement on the grounds of his ill-health and in-capacity to carry on official functions. Taking lenient view in the matter, this office directed the petitioner to submit proof of age certificate and proof of medical condition certificate so that application of the petitioner may be considered. Thereafter petitioner submitted proof of age certificate wherein his age was assessed about 58 years on 09.07.2019. However, still the proof of medical condition was not given by the petitioner.

Therefore, keeping in view of the above said circumstances and as prayed by the petitioner, his application for voluntary retirement is accepted. In consideration of the service of the petitioner from 01.10.2003 to 06.07.2018 i.e. the date of issuance of appointment order, the petitioner is deemed to be retired on 06.07.2018. The petitioner is therefore entitled to the benefits of regularization from 01.10.2003 to 06.07.2018 and retiral benefits from 06.07.2018 onwards.”

Counsel for the petitioner submits that he is satisfied to the extent that the request of the petitioner has been acted upon, however, the benefits of the said order be disbursed to the petitioner, at the earliest.

State Counsel submits that the needful shall be done within a period of 3 months from today which is the maximum period prescribed in **R.S.Randhawa Vs. State of Punjab 1997 (3) RSJ 318.**

Accordingly, the present writ petition is disposed of, on the said assurance of the State Counsel.

AUGUST 20, 2020

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No