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

**CWP No. 10998 of 2020
Date of Decision: 30.07.2020**

Jagraj

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mohit Nehra, Advocate,
for the petitioner.

Mr. Rajesh Gaur, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

Notice of motion.

[2] Mr. Rajesh Gaur, DAG, Haryana, accepts notice on behalf of the State and submits that the petitioner is not entitled for an extension as he relies upon a Medical Disability Certificate (Annexure P-2) dating back to the year 1991, which was issued by the Orthopedic Surgeon in the General Hospital, Sirsa, whereas as, according to the instructions issued by the Government (Annexure P-1) on 21.04.2018, it has been specifically laid down that for the purpose of giving extension beyond the age of 58 years, the Medical Board of PGIMS, Rohtak, shall be designated as the Competent Medical Board for the State and its Director shall personally Head the said Board.

[3]. Faced with this, learned counsel for the petitioner submits that the Note-3 attached to the amended Rule 143 of the Haryana Civil

Services (General) Rules, 2016, notified on 04.12.2017, which provides the requirement for getting examined from a Medical Board of PGIMS, Rohtak, is applicable to only those employees who become disabled “while in service”.

[4]. It may be mentioned that according to the petitioner, in his list of dates and events in the writ petition, he joined in service initially on 21.10.1980. As such, it would appear that he did become disabled subsequently while in service since his disability certificate itself is 11 years after entering into service, being of the year 1991. Thus, his contention that Note-3 is not applicable, is doubtful.

[5]. Learned counsel for the petitioner, nevertheless, contends that he was already disabled before entering into service. However, there is no averment to that effect in the writ petition. Effectively, the petitioner at this stage has sought to raise a disputable questions of fact, which cannot be looked into in a writ petition.

[6]. Considering this overall situation, and that he is disabled to the extent of 70%, the Writ Petition is disposed off with a direction upon the Respondent's Authorities to pass a speaking order on the letter of the DEO sent to respondent No.2 at Annexure P-3, within three weeks from the date of communication of this order. The proposed retirement of the petitioner from service shall be subject to such decision of the Competent Authority.

30.07.2020*Ali***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No