

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108)

CWP no.15828 of 2020

Date of Decision: 30.09.2020

Ranjeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sherry K. Singla, Advocate, for the petitioner.
Ms. Akshita Chauhan, AAG, Punjab

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Article 226/227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of mandamus, directing the respondents to consider his claim for extension of retirement age, in terms of the circular dated 19.11.2014 (Annexure P-3), issued by the Government of Punjab, Department of Personnel, PP-II, Branch, whereby the benefit of enhancement of retirement age from 58 years to 60 years has been extended to all the disabled employees as per Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (which has thereafter been replaced by the Rights of Person with Disabilities Act, 2016) and also to grant him the consequential benefits by extending the benefit of extension of 2 years service, as the petitioner is also suffering from permanent disability of Locomotor disability, as per the disability certificate issued by the Medical Authority, Amritsar, dated 29.07.2020 (copy Annexure P-1).

A further prayer has been made that he be not relieved from service, as he is to retire 30.09.2020, i.e. today.

In respect of his grievance, the petitioner is stated to have made a representation to respondent no.2, i.e. the Director, Local Bodies, Government of Punjab, on 24.09.2020 (copy Annexure P-6).

Without making any comment on the actual merits of the case, this petition is disposed of with a direction to the competent authority amongst the respondents to take a decision on the aforesaid representation of the petitioner, within a period of one month from the date of receipt of a certified copy of this order, by passing a detailed speaking order.

Obviously, if the petitioners' claim is found to be legally due to him, he would be immediately thereafter be reinstated in service, treating him to have not superannuated on 30.09.2020.

If a completely detailed speaking order has already been passed by the competent authority, then only a short order would now be need to be passed, annexing therewith the detailed order already passed (if any).

30.09.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No