

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

CWP No.13606 of 2017

Date of Decision : 04.02.2020

Varun Gaurav Machra

.....Petitioner

Versus

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ram Niwas Sharma, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

NIRMALJIT KAUR, J. (ORAL)

The prayer in the present petition is for setting aside the letter dated 14.03.2016, vide which, the petitioner has been denied extension in service from 58 to 60 years on the ground that he is not covered under the instructions dated 31.01.2006 as his physical disability has been assessed as 50% by the Medical Board of PGIMS, Rohtak. Whereas, this Court vide order dated 4th March 2015 has held the prescribed condition of 70% minimum degree of disability as illegal and set aside the same being not in consonance with the provision of Equal Opportunities, Protection of Rights and Full Participation Act, 1995.

Notice of motion in the present case was issued on 10.07.2017 on the contention of the learned counsel for the petitioner that similar case bearing CWP No.6414 of 2016, captioned as ***“Gopi Ram v. State of Haryana and others”*** is pending and notice of motion has been issued in the said case.

It is not disputed by the learned counsel for the petitioner that the said case i.e. ***“Gopi Ram v. State of Haryana and others”*** bearing CWP

No.6414 of 2016 has since been dismissed, vide order dated 24.01.2018, in

which, counsel for the petitioner was also same. The argument that in the said judgment, the judgment rendered by learned Single Bench of this Court in case ***“Hardev Kaur vs. State of Haryana and Ors.”*** was not considered does not help as perusal of the judgment rendered in the case of Hardev Kaur (supra) shows that the same was passed in limine without giving any opportunity to the respondents-department to file their reply.

Accordingly, this Court finds that the case in hand is squarely covered by the judgment rendered by this Court in the case of **Gopi Ram Vs. State of Haryana and others**, CWP No.6416 of 2016, decided on 24.01.2018.

Dismissed accordingly.

February 04, 2020
manju

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No