

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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**CM-18482-CWP-2019 in/and
CWP-8333-2016**

Date of decision: 10.02.2020

HARJOT SINGH BHATIA

...PETITIONER

V/S

STATE OF PUNJAB TH SECRETARY EDUCATION AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ravi Kant Sharma, Advocate,
for the petitioner.

Ms. Anu Chatrath Kapur, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-18482-CWP-2019 & CWP-8333-2016

Prayer in this application is for placing on record additional documents and for disposal of the writ petition in the light of the judgment passed by this Court in CWP No. 25972 of 2015 titled as Dr. Jagjivan Singh vs. State of Punjab and others, decided on 30.08.2016 (Annexure P-A), in which the review application i.e. RA-CW- No. 388 of 2016 preferred by the State of Punjab has ultimately become infructuous in the light of the fact that the State has finally implemented the said judgment.

Notice of the application was issued to the Advocate General,

Punjab.

Ms. Anu Chatrath Kapur, Addl. A.G.Haryana, who has put in appearance on behalf of the State, could not dispute the fact that the judgment passed in Dr. Jagjivan Singh's case (supra) has attained finality and the same has been implemented. However, she contends that the extension in service cannot be claimed as a matter of right and that the petitioner when had applied for extension in service on 23.02.2016 (Annexure P-8), the Instructions, on which reliance has been sought by the petitioner i.e. 22/2/2012-3FP2/470/475 dated 08.10.2012, were relatable to all categories. However, she asserts that it was further clarified by the Government of Punjab that the date of retirement of the employee being 58 years, the handicapped category employees would be entitled to retire at the age of 60 years. Reference has also been made to the Instructions dated 21.11.2014 (Annexure R-4) to contend that the blind and physically handicapped employees, whose retirement age is already 60 years, will not be granted extension of 2 years as per the Instructions. She contends that the Instructions dated 22.12.2014 (Annexure R-5) also relate to the Group-D employees where it was further clarified that even Group-D employees would not be entitled to extension beyond the age of 60 years. It is asserted that on 22.05.2017, although the Government of Punjab had initially decided to grant the option of extension to the employees who were recruited against the post reserved for 3% handicapped quota but subsequently, the said Instructions have been withdrawn. She, thus, contends that the petitioner would not be entitled to the benefit of extension beyond the age of 60 years, however, he has taken benefit of being a handicapped employee otherwise the date of the retirement of the petitioner was 58 years had he not been handicapped employee.

I have considered the submissions made by the learned counsel for the petitioner as well as the counsel for the respondents but find that the claim of the petitioner in the present case is squarely covered by the judgment passed by this Court in Dr. Jagjivan Singh's case (*supra*), wherein Group-A employee, as the petitioner, was granted the benefit of extension in service beyond the age of 60 years by two years entitling him to continue in service till the age of 62 years.

C.M. is allowed subject to just exceptions. Additional documents are taken on record.

The writ petition is allowed in same terms as in CWP No. 25972 of 2015 titled as Dr. Jagjivan Singh vs. State of Punjab and others, decided on 30.08.2016 (Annexure P-A). The consequential benefits be granted to the petitioner in same terms within a period of three months from today.

Copy of the order be given **dasti** under signatures of the Bench Secretary of this Court.

February 10, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No