

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

129

CWP-1274-2021(O&M)  
Date of Order:28.01.2021

Harbans Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.L.Arora, Advocate,  
for the petitioner.

Ms. Maloo Chahal, DAG, Punjab.

Ms. Anu Chatrath, Sr. Advocate, with  
Mr. Nishant Maini, Advocate  
for respondent no.3.

**ANIL KSHETARPAL, J(Oral)**

The petitioner assails the correctness of order dated 04.01.2021, passed by the Commissioner, Municipal Corporation, Sahibzada Ajit Singh Nagar (Mohali), declining the request of the petitioner to treat him as disabled person and therefore, entitled to continue in service till the age of 60 years.

On 21.01.2021, the following order was passed:-

*“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.*

*Learned counsel for the petitioner while referring to the documents (Annexures P-1 to P-7) submits that the petitioner was appointed as physically handicapped person and therefore, he is to superannuate on attaining the age of 60 years and not at the age of 58 years. He further contends that the Commissioner, Municipal Corporation, Sahibzada Ajit Singh Nagar, Punjab has overlooked the office record while observing that as per the office record, the petitioner is not a disabled person.*

*Notice of motion, for 28.01.2021.*

*Mr. T.P.S. Chawla, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1 and 2.*

*Let notice be issued to respondent No.3 for the date fixed.*

*Dasti also.*

*Notice regarding: stay.*

*To be listed in urgent.”*

Ms. Anu Chatrath, Sr. Advocate, has entered appearance for the Municipal Corporation, Sahibzada Ajit Singh Nagar (Mohali) and submits that the petitioner did not produce a certificate from a competent authority certifying that the petitioner has a disability more than 40%. The petitioner is working with the Municipal Corporation.

Keeping in view the facts of the case, the Chief Medical Officer, Sahibzada Ajit Singh Nagar (Mohali), is directed to constitute a Medical Board immediately on 29.01.2021 and assess the disability of the petitioner.

After the report of the Medical Board received, the Commissioner, Municipal Corporation, Sahibzada Ajit Singh Nagar (Mohali) shall be entitled to pass a fresh order, in accordance with law.

The officials of the Municipal Corporation, shall be entitled to bring this order to the notice of the Chief Medical Officer, for constituting the Medical Board forthwith.

The petitioner is directed to appear before the Medical Board, on 29.01.2021, at 2:00 PM.

Disposed of accordingly.

**January 28, 2021**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

: Yes/No  
: Yes/No