

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

116

CWP-3151-2021

Decided on : 11.02.2021

Chander Lata & others

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Sunny Singla, Advocate, for the petitioners.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India is for issuance of directions to the respondents for release of revised pension and pensionary benefits by extending the benefit of enhancement of the retirement age from 58 years to 60 years.

The said claim is based on the instructions dated 19.11.2014 (Annexure P-7), which was issued in terms of the judgment in CA-8855-2013 arising out of SLP-10610-2013 titled *State of Punjab & others Vs. Bhupinder Singh*, decided on 16.09.2014 (Annexure P-6). In sum and substance, the petitioners who are physically handicapped persons and have already retired, are seeking the monetary benefits for the period of 2 years without having served for the said period. The dates of retirement are as under:

Sr. No.	Name	Date of adhoc appointment	Date regular of	Date of retirement
1	Chander Lata	25.03.1975	14.10.1976	30.11.2007
2	Balbir Inder	01.09.1964	03.08.1972	31.12.2002
3	Veena Kumari	15.06.1976	27.10.1976	31.12.2008
4	Amar Singh	31.08.1979	31.08.1979	31.03.20

It is not disputed that the instructions were issued in pursuance of the judgment of the Learned Single Judge in **CWP-7233-2010** titled *Bhupinder Singh Vs. State of Punjab & others*, decided on 25.05.2011 (Annexure P-4) wherein the dispute was regarding the claim for the extended period of service upto the age of 60 years on account of being handicapped and the petition having been filed by the employees before his retirement. Resultantly, the writ petition was allowed whereby the benefits were given

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that he would be taken to have retired at the age of 60 years and would be entitled to all the consequential benefits. The said judgment was upheld on 25.09.2012 in **LPA-1719-2011** titled *State of Punjab & others Vs. Bhupinder Singh* (Annexure P-5). The matter was further taken to the Apex Court but without success. It is, thereafter, that the instructions were issued clarifying how employees have to be given benefit of extension of service.

Petitioners have already retired well before the judgment and at no point of time had agitated for their grievances of extension of service on the basis of any instructions which had been in force at an earlier point of time. Therefore, they have not worked for the extended period and neither at any point of time had sought legal redressal. Petitioner No.2, as noticed above, had retired way-back in 2002. The instructions are to give benefit of service of 2 years from the retirement age from 58 to 60 years for disabled employees. It does not give a blanket right to an employee who suffered from such disability, to claim financial benefits irrespective of the fact that they did not work for the said post or raised any grievance during their service. Therefore, at the time of retirement, the said judgment was not in force and the petitioners, as noticed, never agitated for their grievances and now cannot claim for any financial benefits for the said period for which they had not worked.

Accordingly, in view of the above, the present writ petition being misconceived, is dismissed in limine.

FEBRUARY 11, 2021

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No