

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

CWP-19336-2021

Date of decision: 27.09.2021

Birender Singh Hooda

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondents to grant him extension of service for a period of two years on the post of District Horticulture Officer with effect from his slated date of retirement i.e. 30.09.2021, when he turns 58 years. The petitioner pleads that his case is covered by Rule 143 of the Haryana Civil Services (General) Rules, 2016 (Annexure P-1).

2. Learned counsel for the petitioner submits that petitioner is 70% disabled. A disability certificate dated 19.08.2021 has been issued by competent Medical Authority, Government of Haryana. He submits that as per the applicable Service Rule, the age of retirement on superannuation is 60 years for the category of following persons:-

- i). differently abled employees having minimum degree of disability of 70% and above
- ii). blind employee,
- iii). Group D employees

and

iv). Judicial Officers.

He submits that case of the petitioner falls in *category(i)* *ibid* and, therefore, he is entitled to superannuate at the age of 60 years instead of 58 years.

3. Learned counsel for the petitioner submits that qua his aforesaid grievance, petitioner submitted a representation dated 20.08.2021. Neither the extension in service has been given to him nor his representation has been decided by the respondents till date. Hence, the instant petition.

4. On advance service, learned State counsel joins proceedings.

5. I have heard learned counsel for the parties and gone through the case file.

6. Prima facie, the disability of the petitioner is since not disputed, and yet the decision of according benefit of extension in service for a period of two years has not been taken till date. If his disability is genuine, he deserves to be then retained in service till the age of 60 years as per Rule 143 (Retirement on Superannuation), Chapter XI Retirement from Service-Kinds and Circumstances of the Haryana Civil Services (General) Rules, 2016.

7. On a Court query, learned State counsel on instructions from Satbir Singh, Establishment Officer, Office of Director General, Horticulture submits that case of the petitioner is under active consideration. It is currently pending with the Additional Chief Secretary, Agriculture and Farmers Welfare Department and a decision shall be taken on the same, as expeditiously as possible.

8. Given that the petitioner is to superannuate on attaining the age of 58 years on 30.09.2021, the petition is disposed of with a direction to the competent authority that an administrative decision on the case of the

petitioner be taken on or before 30.09.2021. In case, an adverse order is passed, the same shall be kept in abeyance for a period of two weeks in order to avail the petitioner of his appropriate remedy, in accordance with law.

9. Disposed of accordingly.

27.09.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No