

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

CWP No. 10707 of 2022 (O&M)

Date of Decision: 26.05.2022

Jitender Singh

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Harish Jain, AAG., Haryana.

Mr. Anmol Partap Singh Mann, Advocate
for respondent no.6.

LISA GILL, J(Oral).

Prayer in this writ petition is for direction to the respondents to re-conduct the medical examination for ascertaining the percentage of disability of the petitioner by the Medical Board of PGIMS, Rohtak for the purpose of extension of age of retirement from 58 to 60 years.

Following order was passed on the last date of hearing:-

“Petitioner, who is working as Principal, District Institute of Education and Training Madina, submits that he suffers from disability to the extent of 70% as was certified vide Medical Disability Certificate, dated 11.09.1984, Annexure P-1. Thereafter, his disability was assessed again on 05.04.2006 by Medical Board comprising of the Senior Medical Officer, Ortho/Eye/Ent Specialist and Civil Surgeon, Rohtak. It is specifically mentioned in this certificate that the petitioner suffers from 70% permanent handicap, which is not likely to improve. As the petitioner sought extension of service in terms of notification dated 21.04.2008, he submitted for examination before the Medical Board at PGIMS Rohtak. As per report

given by the Board at PGIMS Rohtak, permanent physical disability of the petitioner was assessed as 55%. It is submitted that the petitioner applied for review of said report while submitting that there is no question of any improvement of Post-Polio residual paralysis. Petitioner's request was rejected on the ground that there is no such provision for any review. Aggrieved therefrom, this writ petition has been filed.

Learned counsel for the respondent-State, to whom an advance copy of the writ petition has been supplied submits that there is indeed no provision for review of the decision which is final.

Keeping in view the facts and circumstances, it is considered just and expedient for the petitioner to be examined by an appropriate Board at PGIMER, Chandigarh. Accordingly, at oral request of learned counsel for the petitioner, PGIMER, Chandigarh through Director, PGI is impleaded as respondent no.6. Necessary addition be carried out by the Registry.

At the asking of the Court, Mr. Abhishek Kumar, Advocate, accepts notice on behalf of respondent no.6.

Let appropriate Board, if not already in place, be constituted by the Director, PGI to examine the petitioner and assess his disability. Petitioner along with necessary/relevant documents shall remain present at the office of the Medical Superintendent, PGIMER, Chandigarh on 23.05.2022 at 10.00 a.m.

Let report be submitted on 26.05.2022."

Report of Medical Board has been furnished by learned counsel for respondent no.6 in Court today. Same is taken on record subject to just exceptions. As per the said report, petitioner suffers from 'post-polio palsy left lower limb with shortening of left lower limb and his physical disability is assessed up to 62% as per guidelines for assessment of disability by Ministry of Social Justice and Empowerment Government of India'.

As per rule 143 of the Haryana Civil Services (General) Rules,

2016, age of retirement on superannuation is 58 years for all groups of employees and insofar as differently-abled employees having minimum disability of 70% and above, the age of retirement is 60 years. Rule 143 of the Haryana Civil Services (General) Rules, 2016, reads as under:-

“(1) Except as otherwise provided in these rules, every Government employee shall retire from service on afternoon of the last day of the month in which he attains the age of retirement prescribed for him or for the post held by him in substantive or officiating capacity, as the case may be. However, a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the prescribed age. The age of retirement on superannuation is fifty eight years for all groups of employees except the following for whom the same is sixty years:-

- (i) Differently-abled employees having minimum degree of disability of 70% and above;
- (ii) Blind employees;
- (iii) Group ‘D’ employees; and
- (iv) Judicial Officers.

No Government employee shall be retained in service after attaining the age of superannuation, except in public interest and in exceptional circumstances, without the approval of Council of Ministers.”

In view of the above, no ground for any interference is made out in this writ petition.

No other argument has been raised.

Writ petition is accordingly dismissed with no order as to costs.

[LISA GILL]

Judge

26.05.2022

s.khan

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