

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 19139 of 2017(O&M)
Date of Decision:02.06.2022

Roop Singh

.....Petitioner

Versus

Sate of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.K.Malik, Advocate
for the petitioner.

Dr. Kiran Pal Singh, AAG., Haryana.

LISA GILL, J(Oral).

Petitioner in this writ petition is aggrieved of the action of the respondents in not extending his services from the age of 58 years up to 60/62 years on account of disability of 70% stated to be suffered by him.

It is pleaded in the writ petition that the petitioner was appointed as a Punjabi Teacher on 14.11.1983 and promoted to the post of Lecturer (School Cadre) Punjabi on 23.09.1998. Unfortunately, petitioner met with an accident in August 2013 and disabled to the extent of 80% (locomotive disability).

Petitioner, it is stated was given subsistence allowance in the physically handicapped category. It was submitted that as per Instructions dated 31.01.2006, 28.03.2006, 21.04.2008, age of superannuation of handicapped employees who were having disability of 70%, was extended

from 58 years to 60 years. Reference is made to Rule 3.26(a) of the Punjab Civil Services Rules Volume-I, Part I, which inter alia provides age for superannuation. Petitioner, it is submitted was however incorrectly retired on 31.01.2017 at the age of 58 years ignoring the rules and instructions as well as the disability certificate submitted by him. It is submitted that the petitioner represented before the Director Secondary Education, Haryana, for his retention in service up to 60 years, but when his request was not accepted, present writ petition was filed.

Notice of motion was issued in this writ petition on 25.08.2017 and notice regarding stay was issued as well, provided the petitioner redeposits all the retiral dues which he had received along with interest at the rate of 8% per annum. It is a matter of record that petitioner did not redeposit the amount in terms of order dated 25.08.2017. Written statement, on behalf of the respondents has been filed, wherein it is stated that the petitioner did not even submit his case for extension in service at the relevant time and in-fact the petitioner submitted his pension case.

Learned counsel for the respondent-State while referring to Instructions dated 28.03.2006, submits that while deciding the Chief Medical Officer of the District, to be the competent authority to issue the necessary disability certificate after examination of the employee in question, it is specifically mentioned that the employee should submit requisite certificate at-least three months prior to the date of retirement to enable the department to carry out requisite verification in time. Furthermore, petitioner without demure accepted all his retiral benefits of superannuation on 31.01.2017 and never deposited the retiral dues in terms of order dated 25.08.2017, therefore, this writ petition should be dismissed.

I have heard learned counsel for the parties and have gone

through the file with their assistance.

It is a matter of record that this writ petition was filed by the petitioner in August 2017 i.e., months after superannuating on 31.01.2017. There is no replication by the petitioner to the written statement on behalf of the respondents controverting the assertion that petitioner did not submit his case for extension through proper channel at the relevant time and in-fact petitioner submitted his pension case. There is indeed no rebuttal to this specific stand of the respondents in this regard.

Learned counsel for the petitioner does not deny that petitioner did not comply with order dated 25.08.2017 and no interim order was passed in this writ petition. Admittedly, no effort was made by the petitioner at any stage till he attained the age of 60 to press for the interim relief, obviously as the necessary deposit was also not made in terms of order dated 25.08.2017. As on date, petitioner has admittedly crossed the age of 62 years as well. Therefore, I do not find any ground for interference in this writ petition, at this stage.

No other argument has been addressed.

Accordingly, this writ petition is dismissed with no order as to costs.

02.06.2022
s.khan

[LISA GILL]
Judge

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