

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(230)

CWP-27922-2017

Date of Decision : May 24, 2022

Joginder Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Singla, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that as the petitioner was entitled to serve the respondents upto the age of 60 years being handicapped person and therefore, the claim of the respondents in retiring the petitioner at the age of 58 years and allowing the petitioner to continue on extension till 60 years of age is arbitrary.

Learned counsel for the respondents submits that the petitioner was given extension in service and he has actually served for a period of 60 years and therefore, no grievance can be made by the petitioner that he was not allowed to continue in service upto the age, as being demanded.

Learned counsel for the petitioner submits that the terms and conditions for the grant of extension and continuance in service upto the age of 60 years vary and therefore, in case the petitioner has been allowed to continue in service upto the age of 60 years, the same should be treated not

as extension of service but in continuation of his service for all intents and purposes and appropriate order be passed.

Learned counsel for the respondents submits that in case the petitioner files any representation raising the said grievance, appropriate order on the prayer of the petitioner will be passed within a period of eight weeks of the receipt of the said representation and in case, the petitioner is found entitled for any benefit by treating the two years of service rendered by him after 58 years of age as in continuation of his service rather than working on extension, the same will also be released to the petitioner within a period of four weeks thereafter.

Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further, with liberty as prayed for.

As the certificate of disability has been given by a Government Hospital and by a competent doctor, merely that the same has not been approved by a Board of Doctors, will not disentitle the petitioner the grant of benefit of disability, in case the petitioner in fact suffers the disability upto the required extent to claim the benefit, hence, the certificate Annexure P-1 will be treated as a valid document for all intends and purpose for allowing the petitioner to continue in service till the age of 60 years in case found eligible in all other aspects.

May 24, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No