

In the High Court of Punjab and Haryana at Chandigarh

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CWP-29419-2018 (O & M)

Date of Decision: August 25, 2022

AMARJEET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ashok Paul Batra, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Anupam Singla, Advocate for respondents No.2 and 3.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has impugned the order dated 01.10.2018 whereby he has been retired from service at the age of 58 years.

Learned counsel for the petitioner submits that the petitioner is physically challenged and in terms of the Government Instructions dated 19.11.2014, he would be entitled to continue in service till the age of 60 years. He has referred to the medical certificate issued by Civil Surgeon, Patiala on 05.09.2018 (Annexure P-3).

Learned counsel for the respondents while referring to the reply submits that the work and conduct of the petitioner was unsatisfactory. He was unable to sit for long hours and not able to write. Therefore, it was not considered appropriate to grant him extension in service by two years. He had also remained on medical leave for a long period. The petitioner had also foregone his promotion to the post of Superintendent on 18.11.2017 due to his disability.

Heard.

The petitioner is stated to have joined service as Steno-Typist. His date of birth is stated to be 17.11.1960. The date of retirement is 58 years. He suffers from locomotor disability to the extent of 50 per cent. A copy of the certificate issued by PGIMER, Chandigarh to this effect is at Annexure P-4. The State Government had issued instructions on 19.11.2014 whereby the date of retirement of disabled employees has been increased from 58 to 60 years. These instructions are stated to be applicable to the official respondent No.2 wherein the petitioner was working. He would be entitled to the benefit of two years extension in service as he is physically challenged. The contention of the respondents that the work and conduct of the petitioner was unsatisfactory is noticed only to be rejected for the reason that there does not seem to be anything adverse against the petitioner in his Annual Confidential Reports or any other material on record. The petitioner may have forgone his promotion to the post of Superintendent on 18.11.2017 but this factum is a pointer to his service record being satisfactory as only thereafter the petitioner would have been found suitable for promotion. It is manifest that respondents have acted in a highly insensitive manner. The petitioner, who is physically challenged, has been denied his rightful claim under the instructions.

Consequently, the petition is allowed. The petitioner would be entitled to continue in service till the age of 60 years. He would be taken back in service forthwith. He would be entitled to the consequential benefits.

(ANUPINDER SINGH GREWAL)
JUDGE

August 25, 2022

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No