

In the High Court of Punjab and Haryana at Chandigarh

235

CWP-27389-2019 (O & M)

Date of Decision: April 04, 2022

KRISHAN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Anurag Goyal, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

Mr. Rajesh Lamba, Advocate for respondents No.2 and 3.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has sought a direction to the respondents for allowing him to continue till the age of 60 years as he is stated to be physically challenged. He has also challenged the relieving orders dated 30.08.2019 and 31.08.2019 (Annexures P-10 and P-10/A) whereby he has been directed to be relieved from service.

Learned counsel for the petitioner has referred to the Government instructions dated 31.01.2006 wherein it is stated that employees with a physical disability of at least 70 per cent would be entitled to continue in service till the age of 60 years. He submits that the petitioner is suffering from permanent disability to the extent of 100 per cent as he is a post laryngectomy case with no speech and voice. He has referred to the copy of the certificate issued by the Board of Doctors from PGIMS, Rohtak on 13.08.2019. He also submits that in terms of the interim order passed by this Court, the petitioner continued in service till the age of 60 years and has superannuated on 31.08.2021.

Learned counsel for the respondent while referring to the reply filed on behalf of respondent No.2 states that the petitioner was required to inform the department about his disability at least 03 months before attaining the age of 58 years and as he had not done so, he could not have been granted the benefit of continuing in service till the age of 60 years. The afore-noted disability of the petitioner as assessed by the Board of Doctors at PGIMS, Rohtak has not been disputed by the respondents in the written statement.

Heard.

The petitioner is suffering from speech disability which has been assessed at 100 per cent by the Board of Doctors at PGIMS, Rohtak. His case would thus be covered by the Government instructions dated 31.01.2006 whereby disabled employees with a disability of at least 70 per cent would continue in service till 60 years. In terms of the interim order of this Court, the petitioner has continued in service till the age of 60 years and has now superannuated.

Therefore, this petition is disposed of with a direction to the respondents that all the benefits which the petitioner would be entitled to would be released to him considering his continuation of service till the age of 60 years.

(ANUPINDER SINGH GREWAL)
JUDGE

April 04, 2022
A.Kaundal

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