

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 488 of 2021 (O&M)
Date of Decision: 20.11.2023

Rajinder SinghAppellant
versus
State of Haryana and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE

Present : Mr. S.K.Malik, Advocate, for the appellant.
Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the respondents.

RITU BAHRI, ACTING CHIEF JUSTICE (oral)

The appellant has filed this appeal against the impugned judgment/order dated 18.03.2021 passed by the learned Single Judge whereby the writ petition filed by him has been allowed on the ground that he was a disabled employee and therefore, he was entitled to continue in service upto the age of 60 years and therefore, the respondents were directed to restore the services of the appellant as on 30.12.2019 with continuity of service within two weeks of his approaching the competent authority. However, it was held by the learned Single Judge that for the period the appellant did not work, he shall be entitled to 50% of his emoluments and salary by way of compensation.

2. On this very issue, learned counsel for the appellant has referred to the judgments passed by this Court in LPA No. 1349 of 2015 decided on 03.11.2016 and CWP No. 13267 of 2013 decided on 16.01.2015. Learned counsel for the appellant further submits that in various decisions passed by this Court, the benefit of continuation of service upto the age of 60 years to the disabled persons has been granted as it is a mandate of the State Government and that right cannot be taken back and full salary has to be paid to the delinquent employee.

3. After hearing learned counsel for the parties at length, the order dated 18.03.2021 passed by the learned Single Judge is modified to the extent that the appellant shall be entitled to full emoluments and salary till he attains the age of 60 years of service alongwith 9% interest and the respondents will comply with this order passed today within a period of four weeks and thereafter inform this Court.
4. With these observations, the appeal stands disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

20.11.2023
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Whether speaking reasoned	√Yes/No
Whether reportable	Yes/No√