

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14636-2018

Date of decision : 04.12.2023

Kulwinder Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Krishan Daaria, Advocate for
Mr. S.K.Daaria, Advocate
for the petitioner.
Mr. T.P.S.Walia, AAG, Punjab.
Ms. Komal Sharma, Advocate
for respondent Nos.2 and 3.

DEEPAK MANCHANDA, J.

This petition has been filed under Article 226/227 Constitution of India for issuance of a writ in the nature of mandamus directing the respondents that the date of retirement of the petitioner be extended up to the age of 61 and 62 years in pursuance to the judgment rendered in CWP-25972-2015 decided on 03.08.2016.

Learned counsel for the petitioners submits that the issue raised in the present petition has already been dealt with by this Court in CWP-25972-2015 (Annexure P-7) titled as “**Dr. Jagjivan Singh Vs. State of Punjab and others**”. He prays that present petition be disposed of in the same terms.

The above fact is not disputed by the learned counsel representing the respondent No.2 and 3 and she does not oppose the prayer made by learned counsel for the petitioner.

I have heard counsel for the parties and have gone through the

case file carefully.

This Court in the above mentioned writ petition decided the controversy in question by passing a detailed order. The case of the petitioner is squarely covered by the aforesaid judgments and the operative part of the order dated 03.08.2016 (Annexure P-7) passed in CWP-25972-2015 reads as under:-

*“In the present case, the petitioner retired at the age of 60 years whereas he was entitled for extension of his age upto the age of 62 years like one Bhajan Chand, who was blind. Moreover, the controversy in hand is squarely covered by **National Federation of Blind's case (supra)** wherein it was held that the benefit of reservation under the Disability Act, 1995 cannot be confined to Class C and D posts. It is applicable to all Group A, B, C and D posts and as such, the classification made by the respondent-State is contrary to provisions of the Disability Act, 1995. Accordingly, in view of the facts and law position as discussed above, the present writ petition is allowed and the respondents are directed to consider the case of the petitioner in view of **National Federation of Blind's case (supra)** by granting the extension by one year as mentioned in **the circulars issued by the State Government by granting benefit to Class III and IV employees** as it was held in said judgment that the benefit cannot be restricted to Class C and D posts only but it is applicable to all the Groups. The necessary exercise be done within a period of two months from the date of receipt of certified copy of this order. In case, the petitioner is found to be entitled, the necessary benefits be granted within one month thereafter. In case, any adverse order is passed, the petitioner is at liberty to challenge the same.”*

In view of the above, admittedly the case of the petitioner is squarely covered by the aforesaid judgment dated 03.08.2016 (Annexure P-7) passed in Dr.Jagjivan Singh’s case (supra), the present petition is disposed of in the same terms.

(DEEPAK MANCHANDA)
JUDGE

04.12.2023

vanita

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