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2023:PHHC:166538

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-14563-2023

DECIDED ON: 12th JULY, 2023

AMAR NATH

PETITIONER

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Articles 226 and 227 of the Constitution of India has been invoked seeking a writ in the nature of *Certiorari* for quashing the impugned order dated 13.02.2019 (Annexure P-5) passed by respondent No.3-Superintending Engineer, 'OP' Circle, UHBVNL, Karnal vide which the request application regarding extension in service to the petitioner has been rejected.

2. The brief facts of the case are that the petitioner was working as a Lineman under 'OP' Sub-Division, UHBVNL, Assand and was suffering from illness during the service. He remained under treatment on medical ground from 14.07.2009 to 05.04.2011. The petitioner was got medically examined from the Medical Board of PGIMS, Rohtak and as per report dated 15.04.2011 (Annexure P-1) of PGIMS, Rohtak, the petitioner

was declared completely and permanently incapacitated for further service as a Lineman in the department of UHBVNL, Karnal. Vide letter dated 25.04.2013, respondent was again directed to release the salary of the petitioner w.e.f. 06.04.2011. Respondent has also sought the advice of Law Officer, HPU, Panchkula. On attaining the age of superannuation, the petitioner stands retired from service on 13.02.2019. Thereafter, the petitioner made numerous requests to the respondents to grant him two year additional service benefits as per Government Notification dated 25.02.2015.

3. Mr. Naveen Daryal, Advocate for the petitioner has contended that the respondent No.3 has passed the impugned order in an illegal and arbitrary manner, which is also against the principle of natural justice.

4. Having heard learned counsel for the petitioner.

5. Before proceeding further in the matter, it would be apposite to reproduce Rule 143 of Retirement on superannuation, which reads as under:-

143. Retirement on superannuation:-

(1) Except as otherwise provided in these rules, every Government employee shall Retirement on superannuation. retire from service on afternoon of the last day of the month in which he attains the age of retirement prescribed for him or for the post held by him in substantive or officiating capacity, as the case may be. However, a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the prescribed age. The age of retirement on superannuation is fifty eight years for all groups of employees except the following for whom the same is sixty years :-

- (i) Disabled employees having minimum degree of disability of 70% and above;*
- (ii) Blind employees;*
- (iii) Group 'D' employees; and*
- (iv) Judicial Officers.*

No Government employee shall be retained in service after attaining the age of superannuation, except in public interest and in exceptional circumstances, without the approval of Council of Ministers.

Note 1.— One eyed employee shall not be treated as blind or disabled person for the purpose of this rule.

Note 2.— When a Government employee is due to retire on superannuation from service an office order shall be issued on 7th of the Month in which he is going to be retired and a copy of every such order shall be forwarded immediately to the Principal Accountant General, Haryana.

Note 3.--A Government employee who becomes disabled while in service shall bring to the notice of his Head of Department minimum three months before attaining the age of 58 years. He shall be got examined from a Medical Board of the Post Graduate Institute of Medical and Science, Rohtak to be headed by its Director. On receipt of medical report from the Board, the appointing authority or the Head of Department, whichever is higher, shall take a final decision to grant or not to grant the extension in service to such physically disabled employee.

5. From the afore-said Rule, it is crystal clear that a government employee who becomes disabled while in service is required to submit a certificate along-with the application, at least three months before attaining the age of 58 years but in the present case no representation/application was given by the petitioner to the office of respondent(s) for extension in

service from 59 to 60 years.

6. In view of discussions made hereinabove, the present petition is dismissed being devoid of any merit.

7. No order as to costs.

(SANDEEP MOUDGIL)
JUDGE

12th JULY, 2023
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- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No