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

**CWP-23359-2017**

**Date of decision : 04.12.2023**

**Narinder Kumar****...Petitioner**

**Vs.**

**State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Vinay Bajaj, Advocate for  
Mr. G.L.Bajaj, Advocate for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab.

Mr. Anupam Singla, Advocate  
for respondent Nos.2 and 3.

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**DEEPAK MANCHANDA, J.(Oral)**

1. Petitioner-Narinder Kumar has filed this writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to extend the date of retirement of the petitioner upto the age of 61-62 years, in pursuance of the judgment dated 03.08.2016 passed by this Court in CWP-25972-2015, titled as "*Dr.Jagjiwan Singh Vs. State of Punjab and others*". Further, the prayer has been made to the effect that letter dated 22.12.2014 (Annexure P-9) be declared as discriminatory and violative to provisions of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and benefit of said letter should not be limited to blind persons only.

2. The facts in brief leading to the present case are that on

15.12.1979, petitioner, who is physically handicapped person, was appointed as Clerk in the office of respondent-Corporation and later promoted as Superintendent. The retirement age of the petitioner was 58 years and he was to retire on 31.10.2015. In the meantime, Govt.of Punjab issued instructions dated 19.11.2014 (Annexure P-4), whereby date of retirement age of disabled employee has been increased from 58 years to 60 years, therefore, petitioner also made a request before respondent-corporation, but no action was taken upon the same. Dissatisfied with the inaction on the part of respondent-corporation, the petitioner filed a petition bearing CWP No.22742-2015 seeking benefit of enhancement of retirement age from 58 years to 60 years. During the pendency of this writ petition, the Board of Directors of the respondent-Corporation in its 226<sup>th</sup> meeting held on 29.09.2015 has taken a decision vide Agenda Item No.226.2, whereby the retirement age of the handicapped employees i.e. (I) blind (ii) hearing impaired (iii) Locomotor disability of Cerebral palsy has been enhanced to 60 years in the light of notification/circular dated 19.11.2014 and as the petitioner falls under physically handicapped (locomotor disability), the retirement age of the petitioner has also been enhanced to 60 years and the petition seeking the same relief was rendered infructuous and was disposed of vide order dated 27.07.2017 (Annexure P-5) and his retirement age was enhanced from 58 years to 60 years. Further, vide circulars dated 08.10.2012 and 20.09.2013 (Annexures P-7 and P-8), Punjab Govt. extended the retirement age of all the employees (whether physically handicapped or under other/general category) from 60 years to 61 years and 61 years to 62 years, but as per circular dated 22.12.2014 (Annexure P-9), these benefits were confined only to class-IV

employees and blind persons only. It is pleaded in the present petition that petitioner be also granted the benefit of the above said extension by granting one more year and letter dated 22.12.2014 be declared arbitrary, discriminatory and violation of Articles 14 and 16 Constitution of India. Hence the present writ petition.

3. Learned counsel for the petitioner argues that once the petitioner was entitled to continue in service till the age of 62 years being handicapped, who is entitled for the benefit keeping in view the judgment of this Court passed in CWP No. 25972 of 2015 titled as “*Dr. Jagjivan Singh Vs. State of Punjab and others*”, decided on 03.08.2016 (Annexure P-10). He prays for issuance of necessary directions to the respondent-Corporation.

4. Learned counsel representing respondent Nos.2 and 3 while referring to the reply dated 27.03.2019 submits that according to the circular dated 27.02.2013, State Govt. had clearly mentioned that if there is any extra financial burden due to extension in service, the policy should not be adopted. Further, the Board of Directors in its meeting held on 02.05.2013 approved the agenda item No.219.14 (Annexure R-2/1) and decided not to implement the policy in the Corporation. Learned counsel for the respondent Nos.2 and 3 has further invited the attention of the Court to Annexure R-2/3 and R-2/4, i.e. the orders dated 22.08.2014 and 19.03.2018 passed by this Court in CWP-17058-2014 and CWP-27214-2017, respectively and placed reliance on the same. He prays for dismissal of the petition.

5. I have heard learned counsel for the parties and have gone through the case file carefully.

6. A perusal of the minutes of the agenda meeting annexed as

Annexure R-2/1 shows that the Board discussed the issue regarding the financial burden on the PRTC and it was observed that the extension of service of regular employees for one year would increase the financial burden and the same should not be implemented. The relevant portion reads thus:-

*“It is also pertinent to mention here that majority of the staff is PRTC is operational staff i.e. Drivers and Conducts. According to the conditions No.3 (I) of the circular, there can be no pick and choose in giving extension. Therefore, if this policy is implemented in PRTC, this extension in service will have to be given to the operational staff also. But most of the Drivers and Conductors, at the age of 58 years, are unable to perform the operational duties. This will lead to a huge financial burden on PRTC. Moreover, PRTC is currently engaging drivers and conductors through outsourcing agencies at a much lesser salary than the regular employees. As such, the extension of service of regular employees for one year will increase the financial burden of PRTC and it should not implemented in PRTC.”*

7. Considering the agenda, the scheme/circular dated 08.10.2012 has not been adopted, therefore, once the policy itself has not been adopted by the Board, no relief can be granted to the petitioner with regard to extension of service as well as in light of Annexures R-2/3 and R-2/4 i.e. the orders passed by Co-ordinate bench of this Court.

8. The present petition is dismissed.

9. Pending application(s), if any, shall also dismissed.

**(DEEPAK MANCHANDA)**  
**JUDGE**

**04.12.2023**

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