

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 1911 of 2024
Date of Decision : 31.01.2024

Ved Parkash

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Nagra, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Kamal Singh, Senior Panel Counsel
for respondent No. 4-UOI.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner submits that as per the rules governing the aspect of superannuation qua the disabled employees, the age of retirement is 60 years and the petitioner is disabled having disability upto 70% but the petitioner is not being allowed to continue in service on the ground that no disability certificate as issued by the PGIMS, Rohtak has been provided. Learned counsel for petitioner submits that the petitioner has already applied to the Director of the PGIMS, Rohtak to examine him by constituting a Board but no such Board has been constituted so far, which is prejudice to the petitioner, hence, the respondents be directed to

allow the petitioner to continue in service on the basis of the disability certificate issued by the Civil Surgeon, Ambala, a copy of which has been appended as Annexure P-1, wherein, the disability of the petitioner has already been shown upto 70%.

2. Notice of motion.

3. On the asking of the Court, Mr. Harish Nain, Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

4. Learned counsel for the respondents submits that in order to continue in service upto the age of 60 years, the petitioner is required to submit disability certificate issued by the PGIMS, Rohtak.

5. Competent Authority in PGIMS, Rohtak is directed to constitute a Board and examine the petitioner qua his disability and make appropriate report and the petitioner will appear before the Board on 05.02.2024 at 11.00 a.m. The report qua the disability being suffered by the petitioner be sent to the General Manager, Haryana Roadways, Ambala for consideration and necessary action.

6. Till the said report is submitted by PGIMS, Rohtak and order is passed by the competent authority in transport department, the petitioner will be allowed to continue in service subject to term that in case, as per the disability report, the petitioner is not entitled to continue in service, he will not claim any benefit of continuance as well as any benefit of salary for the period beyond 01.02.2024 but in case, petitioner is within the parameter to continue upto the age of 60 years, keeping in view the report submitted by

the Medical Board of PGIMS, Rohtak, the petitioner will be allowed to continue.

7. Petition is disposed of in above terms.

January 31st 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No