

2025:PHHC:057207-DB



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

LPA-1228-2025 (O&M)

Date of decision:30.04.2025

AVTAR SINGH

.....Appellant

Versus

STATE OF PUNJAB & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Dilshad Singh Gill, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

SUDHIR SINGH, J.

CM-3011-LPA-2025

For the reasons given in the application, the same is allowed. Delay of 18 days in filing the appeal is condoned.

CM-3012-LPA-2025

Allowed as prayed for.

LPA-1228-2025

Challenge in the instant intra Court appeal is to the order dated 05.03.2025 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant, by way of the writ petition, had sought issuance of a writ in the nature of Mandamus directing the respondent-authorities to consider his claim for enhancement of retirement age from 58 to 60 years being a person

with disability. It was the case of the appellant that he was having permanent disability to the extent of 80% (locomotor disability) on the right limb (right leg below the knee amputated) and he had been issued a Physically Handicapped Certificate dated 28.05.2008 by the Civil Surgeon, Faridkot. It was further the case of the appellant that he was appointed as a Constable on 08.05.1981; promoted as a Head Constable on 22.04.1992 and subsequently, as an ASI w.e.f. 31.08.2012. He was given local rank charge of Sub Inspector 6 months before attaining the age of 58 years. In terms of the instructions dated 19.11.2014 issued by the Government of Punjab, the extension of two years was to be granted not only to the blind persons, but all the handicapped persons. It was further averred that a similarly situated employee i.e., SI-Sukhjinder Singh was granted extension in service till 60 years vide order dated 07.09.2022 passed by respondent No.2, but the appellant was denied the said benefit, superannuating him at the age of 58 years.

3. Learned counsel for the appellant has vehemently argued that in terms of the instructions issued by the Government of Punjab, the appellant was entitled to remain in service till 60 years of the age, but the benefit arising out of the provisions of the Rights of Persons with Disabilities Act read with the instructions issued by the Government of Punjab, had been denied to him. It is further argued that similarly situated employee was granted the benefit of extension in service till the 60 years of age, but such benefit was arbitrarily denied to the appellant. It is further argued that the impugned order passed by the learned Single Judge, is patently illegal as the appellant

had been pursuing his cause before the respondent-authorities continuously by way of representation or otherwise and, therefore, the finding of the learned Single Judge that appellant had belatedly approached the Court, is not legally tenable.

4. We have heard learned counsel for the appellant and have also gone through the case file, including the impugned order.

5. The only question that arises for consideration by this Court is whether the order passed by learned Single Judge, requires any interference.

6. There is no denying the fact that the appellant superannuated on 30.09.2020. He approached this Court by way of writ petition in 2025. The appellant attained the age of 60 years on 31.03.2022. It was in this view of the matter that the learned Single Judge, has found that no indulgence was required to be granted.

7. A perusal of the writ petition filed by the appellant would show that he had allegedly made a representation to the respondent-authorities in February, 2020, seeking continuity in service till the age of 60 years, being a person with disability. It was further asserted by the appellant that in view of the Covid Pandemic, the State Government had passed the orders regarding extension of the services of the employees, who were to retire on 31.03.2020 and such benefit was also extended to the appellant. We find that if that was the position and if his representation was not adverted to by the respondent-authorities, he was required to approach the Court immediately, but he rather kept sleeping over the matter for more than 4 years. There is no explanation as regards the said delay except the

plea of a continuous cause of action occurring in favour of the appellant. In our opinion, the learned Single Judge, has rightly declined to interfere in the matter as it is settled law that one who keeps sleeping over his rights, is not entitled to any indulgence. The appellant cannot be allowed to use the writ jurisdiction so as to put the Clock back and take him into service, particularly when, he superannuated on 30.09.2020 and attained the age of 60 years on 31.03.2022.

8. We find that the order passed by the learned Single Judge is just and proper and the same does not require any interference by this Court.

9. No other point has been urged.

10. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

11. Pending application(s), if any, shall also stand disposed of.

**[SUDHIR SINGH]
JUDGE**

**[ALOK JAIN]
JUDGE**

30.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No