



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

CWP-16889-2021

Date of decision: 07.08.2025

Vinod Kumar Bansal

....Petitioner

Versus

Chairman-cum-Managing Director, Punjab
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. P.K.S. Phoolka, Advocate
for the petitioner.Ms. Harpriya Khaneka, Advocate
for respondents No.1 to 3.Mr. Sahil, Advocate for
Mr. Nitin Kaushal, Advocate
for respondent No.5.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ in the nature of *mandamus* by directing respondents No.1 & 2 for granting two years' extension in service i.e. 58 to 60 years to the petitioner, being 40% permanent disable/visually impaired/handicapped person.

2. The disability certificate dated 21.07.2023 issued by PGIMER, Chandigarh, in terms of order dated 29.05.2023 is taken on record. Registry is directed to tag the same at an appropriate place in the file.

3. Learned counsel for the petitioner submits that the petitioner worked as a Steno-Typist with GNDTP, Bathinda which functions under the aegis of the Punjab State Power Corporation Limited (in short 'PSPCL') and was due to retire on 31.08.2021. He has a 40% visual disability as he suffers from Anophthalmia in the right eye and falls within the ambit of 'person with



benchmark disability' in terms of Section 2(t) of the Rights of Persons with Disabilities Act, 2016 (in short 'the Act of 2016'). Vide circular No.11/2015 dated 24.07.2015 (Annexure P-5), the PSPCL adopted the letter of Punjab Government bearing No.17/20/2010-2PP/132 dated 19.11.2014 (Annexure P-4), whereby, retirement age of persons with this disability as mentioned in Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (in short 'the Act of 1995'), was extended from 58 years to 60 years. Accordingly, the petitioner moved an application to avail the said extension on 16.05.2018 and also sent reminders with respect to the same vide letters dated 16.11.2018 and 09.08.2019. Further, the veracity of the disability certificate dated 30.11.1995 (Annexure P-1) issued by Civil Surgeon, Bathinda has also been verified as discernible from letter dated 21.01.2021 (Annexure P-15). In fact, the petitioner possesses a unique identity disability No.PB1210219630108400 issued by the Government of India on 09.12.2020 in pursuance of certificate dated 30.11.1995 (Annexure P-1) which clearly states that he suffers from 40% disability. However, PGIMER, Chandigarh was directed to constitute a Medical Board by this Court on 29.05.2023 as the petitioner is relying upon his disability certificate issued in the year 1995. He further submits that with the passage of time, there is a likelihood of increase in disability of the petitioner. Therefore, the petitioner cannot be denied the benefits accruing to him in terms of Act of 1995 and Act of 2016 merely on account of the opinion rendered by the Medical Board of PGIMER, Chandigarh.

4. Learned counsel for the respondents-Corporation submits that in order to avail the benefit of extension of retirement age from 58 years to 60 years, the disability certificate is required to be submitted by the concerned



employee at least three months before attaining the age of retirement. The same is necessary to enable the competent authority to take required action in this regard in a timely manner. The petitioner on 27.05.2019 (Annexure P-12) was asked to provide his disability certificate in terms of letter of the Department of Health and Family Welfare, Government of Punjab memo No.21/43/2010-4HB5/1336590/1 dated 18.10.2018 (Annexure P-13). Admittedly, the petitioner does not fulfil the criterion necessary to avail the benefit for extension of retirement age.

5. Having heard learned counsel for the parties and on perusal of the record, it transpires that the petitioner suffers from Anophthalmia in the right eye. In order to ascertain the degree of his disability, the following order was passed on 29.05.2023:

“Dispute in the present writ petition relates to the right of the petitioner to claim extension in service beyond 58 years being a disabled person. The petitioner relies upon disability certificate (Annexures P-1 and P-2) to submit that even under 2016 Act, he will fall within the ambit of ‘persons with benchmark disability’ as defined under Section 2(t).

Counsel for the respondents disputes the aforesaid fact and submits that in fact the disability of the petitioner is not more than 30% and though the petitioner can be said to be a ‘person with disability’ but would not fall within the definition of ‘person with benchmark disability’.

In order to put the controversy at rest, petitioner is directed to appear before the Medical Board constituted under the orders of PGIMER, Chandigarh. Director, PGIMER, Chandigarh is requested to constitute a Medical Board to assess the disability of the petitioner. Needless to say the petitioner shall pay the requisite fee for the aforesaid purpose and shall appear before the Board constituted on the date as fixed by the Director, PGIMER, Chandigarh.

*The report be produced before the next date of hearing, fixed as **14.07.2023.***

Copy of the order be served upon Director, PGIMER, Chandigarh through Mr. Amit Jhanji, Standing Counsel, PGIMER, Chandigarh for necessary compliance.”

6. According to the disability certificate dated 21.07.2023 issued by PGIMER, Chandigarh, the petitioner suffers from a disability to the extent of 30%. The relevant part of which is reproduced below:



DISBAILITY CERTIFICATE

Certificate No. 10162 Date 21.07.2023
This to is certify that Shri/Smt/Kum VINOD KUMAR BANSAL
Son/wife/daughter of SH. LACHMAN DASS
Date of Birth 03.08.1963 Age 59 years Male/female Male
Central Registration No. 202303615281 Sp. Clinic No XXXXX

Permanent resident of House No. 676, Deep Nagar, Amrik Singh road, Bathinda, Punjab.
whose photograph is affixed above, and are satisfied that:

(a) The diagnosis in His/Her case is Rt. Eye Anophthalmia, He/She is a case of Single/ Multiple Disability. Extent of his/her permanent physical impairment/disability has been evaluated as per guidelines for the disabilities ticked below, and shown against the relevant disability in the table below:

Sr. No	Disability	Affected part of body	Diagnosis	Physica/ mental disability (%)
1.	Low vision / Blindness [#]	Rt. Eye (-), Lt. Eye 6/9 aided	Rt. Eye Anophthalmia	30%
2.	Others	--	Facial Disfigurement	0%
3.	Total			30%

@-e.g Left/Right/both arms/legs, #- e.g. Single eye/both eyes, £e.g. Left/Right/both ears

(b) In the light of the above, his/her overall permanent physical/mental impairment as per guidelines** as follows:-

In figures 30% Percent, In words Thirty Percent”

7. The notification dated 04.01.2018 issued by Ministry of Social Justice and Empowerment [Department of Empowerment of Persons with Disabilities (Divyangjan)] lays down the criterion for assessment of degree of disability with regard to visual impairments. The relevant of the same is reproduced below:-

“19.3. Visual Impairment Certification Criteria and Gradation
Vision assessment should be done after best possible correction
(medical, surgical or usual/conventional spectacles).

The Ophthalmologist shall circle the vision Status and the Percentage Impairment and mark the Disability category accordingly as under:-



Better eye Best Corrected	Worse eye Best Corrected	Per cent Impairment	Disability category
6/6 to 6/18	6/6 to 6/18	0%	0
	6/24 to 6/60	10%	0
	Less than 6/60 to 3/60	20%	I
	Less than 3/60 No Light Perception	30%	II (One eyed person)
6/24 to 6/60 Or Visual field less than 40 up to 20 degree around centre of fixation or heminaopia involving macula	6/24 to 6/60	40%	III a (low vision)
	Less than 6/60 to 3/60	50%	III b (low vision)
	Less than 3/60 to No Light Perception	60%	III c (low vision)
Less than 6/60 to 3/60 Or Visual field less than 10 degree around centre of fixation	Less than 6/60 to 3/60	70%	III d (low vision)
	Less than 3/60 to No Light Perception	80%	III e (low vision)
Less than 3/60 to 1/60 Or Visual field less than 10 degree around centre of fixation	Less than 3/60 to No Light Perception	90%	IV a (Blindness)
Only HMCF Only Light Perception No Light Perception	Only HMCF Only Light Perception No Light Perception	100%	IV b (Blindness)

”

8. It appears that the conclusion arrived at by the PGIMER is strictly in consonance with notification dated 04.01.2018. As such, there is no avenue to doubt the same. Moreover, previously as well the petitioner was medically examined on 24.08.2021 by the Medical Board constituted by the Guru Gobind Singh Medical College and Hospital, Faridkot on 22.07.2021. The disability certificate 24.08.2021 (Annexure R-2) issued in pursuance thereof also states that the petitioner suffers from 30% disability. Therefore, this Court finds it appropriate for the extent of disability of the petitioner to be taken as 30%.

9. Rule 3.27 of the Punjab Civil Service Rules makes it evident that the extension of retirement age from 58 years to 60 years was would only be applicable only when the extent of disability is 40% or more. The relevant part of the same is reproduced below:

*3.27. Notwithstanding anything contained in rule 3.26, the date of retirement of a Government employee (other than a Group 'D' employee), who is suffering from any of the disabilities viz., **blindness or low vision**, hearing impairment locomotor disability*



or cerebral palsy, **shall be the date on which he attains the age of 60 years instead of 58 years:**

Provided that whenever an appointing authority has reason to believe that such a Government employee is mentally or physically unsuitable to discharge the duties of the post held by him, it shall require him to appear before a Civil Surgeon for a medical check-up and his continuance in the Government service beyond the age of 58 years, shall be subject to being declared fit on such medical check-up.

Explanation 1.- (i) *The term "disabilities" used in this rule shall have the same meaning as defined in Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996); and*

(ii) *The expression "a Government employee, who is suffering from any of the disabilities" means a Government employee who is suffering **from not less than forty per cent** of any of the disabilities mentioned in this rule as certified by the medical authority specified by the Government. "* (emphasis added)

Furthermore, the Punjab State Power Corporation Limited, vide office order No.145 dated 27.05.2019 (Annexure P-12) communicated to the concerned department that the extension of retirement age can only be extended when the disability suffered by the employee is 40% or more. In fact, the same was also communicated to the petitioner vide memo No.1360 dated 06.02.2020 (Annexure P-11).

10. As such, the petitioner does not satisfy the prerequisites for extension of his retirement age from 58 years to 60 years. Accordingly, the present petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

07.08.2025
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No