



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

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LPA-988-2022 (O&M)**Date of Decision: 16.02.2026****Pepsu Road Transport Corporation (PRTC) and another****....Appellants****Versus****State of Punjab and another****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Harsh Aggarwal, Advocate and
Mr. Anshul Sharma, Advocate
for the appellants.

Mr. Yatin Bunger, Assistant Advocate General, Punjab.

Mr. Manu K. Bhandari, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the order dated 25.08.2022 passed in CWP-29419-2018 by the learned Single Judge wherein, a direction has been given that the respondent No.2 is to be treated in service up to the date he attained the age of 60 years along with all consequential benefits, being physically challenged.

2. The learned counsel for the appellants submits that though, the benefit of allowing to continue in service till the age of 60 years has been given to respondent No.2, but the consequential benefits in favour of respondent No.2 should not have been extended as, respondent No.2 has not discharged the duties for the said period on the basis of no work no pay.



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3. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

4. The learned counsel for the appellants has not been able to dispute the fact that as per instructions issued by the Government, retirement age of the disabled employee is 60 years and not 58 years. The learned counsel for the appellants has also not been able to dispute that as per the disability certificate issued by a premier agency, i.e. PGIMER, Chandigarh, the disability suffered by respondent No.2 has been assessed @50%. Once, the said fact has gone unrebutted, the appellants were under an obligation to grant respondent No.2 the benefit of being in service upto the age of 60 years but the same was curtailed wrongly by the appellants. Hence, the grant of benefit of treating the respondent having worked upto the age of 60 years along with consequential benefits by the learned Single Judge by deeming fiction, cannot be treated as perverse either to the facts on record or instructions issued by the Government, which are adopted by the appellants so as to allow the physically handicapped employee to continue in the service upto the age of 60 years.

5. The argument has been raised by the learned counsel for the appellant as respondent No.2 has not worked during said period, he should not be granted the benefit of arrears.

6. It may be noticed that the post on which respondent No.2 was working does not envisage pension. In case, the arrears is also not given, then allowing of the claim of respondent No.2 having worked upto the age of 60 years the deeming fiction would mean grant of no actual benefit despite being held entitled to the benefit claimed.

7. Further, the respondent-employee never restrained himself from

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discharging the duties rather, it was the appellants who did not allow respondent No.2 to perform the duties upto the age of 60 years despite being entitled for as per the law. Hence, non-performance of the duties assigned to respondent No.2 is not attributable to respondent No.2 but was due to act of the appellants hence, the appellants cannot be allowed to take premium of their own invalid acts due to which, respondent No.2 has been restrained from discharging the duties upto the age of 60 years. Hence, in the peculiar facts and circumstances of the present case coupled with the fact that no pension is admissible to respondent No.2 qua the post he is working, the claim of the appellants that notional benefits should be given to respondent No.2, will be of no consequences hence, the grant of consequential benefits by the learned Single Judge, which includes the arrears of the salary for the period of two years, is perfectly valid and legal.

8. It may be noticed that as respondent No.2 has already crossed the age of 60 years, he cannot be reinstated in service but he will be deemed to be in service upto the age of 60 years for all intents and purposes.

9. It may be noticed that certain benefits with regard to the pension have been granted and the pension is being drawn by respondent No.2 under Employees Provident Fund (EPF) and any amount of pension which respondent No.2 has got upto the attaining the age of 60 years, will be adjusted while calculating the arrears admissible and the pensionary benefits will be released on completion of 60 years of service, which will be extended to him.

10. As no perversity has been shown in the impugned order dated 25.08.2022 passed by the learned Single Judge, no ground is made out for any



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interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the appeal is dismissed.

12. Let the arrears of the salary be paid to respondent No.2 within a period of eight weeks of the receipt of the copy of this order.

13. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 16, 2026

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No