



CWP-18534-2025

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

(108)

CWP-18534-2025

Date of Decision : July 11, 2025

Ashwani Kumar**.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vishal Gupta, Advocate, for the petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 01.04.2025 (Annexure P-15) vide which the respondents did not allow the petitioner to continue in service upto the age of 60 years which age is a superannuatory age for physically disabled employee and was made to retire at the age of 58 years w.e.f. 31.03.2005 which is arbitrary and illegal.

2. Learned counsel for the petitioner argues that the petitioner was medically checked up by the Civil Surgeon and a disability certificate was issued on 30.07.2024, copy of which has been appended as Annexure P-2 wherein, the overall physical impairment as per the guidelines specified by the Government of India, adopted by the State of Punjab, was 45% and the same has been signed by the Medical Board and has been further signed by the Chief Medical Officer, Pathankot.



3. Learned counsel for the petitioner submits that after the request was made that the petitioner was entitled to continue in service upto the age of 60 years, the disability certificate Annexure P-2 was sent to the concerned Department for verification vide Annexure P-10 dated 21.10.2024 and the said certificate was certified to be issued by the authority concerned which is clear from the letter dated 24.10.2024 sent to the Civil Surgeon, Pathankot.

4. Learned counsel for the petitioner further submits that despite the extension being granted, the petitioner was not given extension upto the age of 60 years and was retired at the age of 58 years, which is incorrect.

5. Notice of motion was issued.

6. Learned State counsel, on the instructions from Mr. Jitender Pal Singh, Chief Engineer, Punjab, submits that the claim regarding extension upto 60 of the petitioner has been re-considered in light of the facts which have been noticed hereinbefore and he will be allowed to continue in service upto the age of 60 years as envisaged as a superannuatory age for a physically disable personnel.

7. Learned State counsel further submits that as the pensionary benefits have been released to the petitioner, he be directed to re-deposit the same immediately along with pension received and the petitioner will be allowed to continue upto the age of 60 years.

8. Learned counsel for the petitioner submits that the petitioner will deposit all the retiral benefits with the respondents within a period of 10 days from today.

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9. Learned counsel for the petitioner further submits that as the petitioner was to continue in service upto the age of 60 years and he was retired at the age of 58 years on 31.03.2025 illegally hence, the petitioner is also entitled for the salary starting from 01.04.2025 till the date of reinstatement in service.

10. Keeping in view the totality of the facts and circumstances, as the respondents themselves have conceded the claim of the petitioner to continue in service upto the age of 60 years though, the petitioner will return back all the pensionary benefits received, he will also be entitled for the salary starting from 01.04.2025 till the date he is reinstated in service so as to compensate qua illegal retirement of the petitioner contrary to the Rules despite entitlement.

11. The present writ petition is disposed of in above terms.

July 11, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No