

(2024) 04 SHI CK 0086
In the High Court Of Himachal Pradesh
Case No : CWPOA No.7009 Of 2020

Mahender Singh

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 22-04-2024

Acts Referred:

Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995 — Section 2(i)

Citation : (2024) 04 SHI CK 0086

Hon'ble Judges : Tarlok Singh Chauhan, J;Sushil Kukreja, J

Bench : Division Bench

Advocate : Ajay Chandel, Anup Rattan, I.N. Mehta, Yashwardhan Chauhan, Ramakant Sharma, Sharmila Patial, Raj Negi, Sunita Sharma, Dhananjay Sharma

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed for grant of the following substantive reliefs:

“(i) That the office order No.9/HPSEBL/2019 dated 22.04.2019 (Annexure A-6) may kindly be ordered to be quashed and set aside with exemplary costs.

(ii) That the respondent State may kindly be directed to extend the benefit of enhancement of retirement age from 58 to 60 years to the locomotor impaired to which category the applicant belongs, as specified under Section 2(i) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

(iii) That the respondents may kindly be directed to treat the applicant in service till he attains the age of 60 years and the respondents may further be directed to release all the consequential benefits to the applicant with upto date interest @ 12% per annum.”

2. The parties are ad idem that the issue in question has been decided by the learned Full Bench of this Court in CWP No. 2711 of 2017 case titled Baldev vs.

State of Himachal Pradesh and others, decided on 22.02.2022.

3. In the given facts and circumstances of the case, we deem it appropriate to dispose of the instant petition with a direction to the respondents to examine the case of the petitioner in light of the judgment passed in Baldev's case (supra) and, in case, the case of the petitioner is found to be similar to that of the aforesaid judgment, then the same and similar benefits be extended to the petitioner herein within a period of four weeks from today, as were granted in Baldev's case (supra). Ordered accordingly.

4. Pending application, if any, also stands disposed of.

5. For compliance, to come up on 20.05.2024.