
also been produced before us. Item No. 4 of the minutes shows that a proposal was mooted for amendment of Punjab Civil Service Rules Vol. I Part II in appendix 20. However, the said proposal was withdrawn. As argued by the learned counsel for the State. It is apparent that no such amendment was in fact required. The State Government already has the power to grant study leave to an employee having less than 5 years service under Rule 3(5) of the said leave rules. Once the aforesaid power already exists, no further amendment was necessary.

(23) No other point has been urged.

(24) In view of the aforesaid discussion, we do not find any merit in the present petitions. The same are consequently dismissed.

R.N.R.

Before M.M. Kumar & M.M.S. Bedi, JJ.

RAM CHANDER,—*Petitioner*

versus

STATE OF HARYANA AND ANOTHER,—*Respondents*

C.W.P. NO. 4424 OF 2006

26th September, 2006

Constitution of India, 1950—Art, 226—Instructions dated 31st January, 2006 issued by State of Haryana—Petitioner more than 70% handicapped—According to said instructions normal retirement age of disabled group ‘A’ to ‘D’ employees with 70% disability is 60 years—Petitioner’s case squarely covered by instructions—Petition allowed while directing respondents to consider petitioner’s case for retention in service till the age of 60 years.

Held, that the case of the petitioner is squarely covered by the instructions dated 31st January, 2006 which clearly laid down that the normal retirement age of disabled group ‘A’ to group ‘D’ employees who have 70% disability is raised from 58 years to 60 years.

(Para 3)

R.N. Sharma, Adcovate, *for the petitioner.*

Harish Rathee, Sr. DAG, Haryana, *for the respondents.*

JUDGEMENT**M.M. KUMAR, J. (ORAL)**

(1) The prayer made in this petition is for issuance of direction to the respondents to raise the retirement age of the petitioner from 58 years to 60 years on the ground that he is physically handicapped person. The aforementioned claim is based on the instructions dated 31st January, 2006 (P-4). The undisputed facts are that the petitioner has been working with the respondent State on various posts and on attaining the age of 58 years, he was retired on 31st March, 2006 from the post of Senior Librarian from District Library, Jind. The claim of the petitioner is that he could not have been retired at the age of 58 years because the instructions dated 31st January, 2006 (P-4) applies to him in as much as the petitioner is more than 70% handicapped. In support of the claim made by the petitioner, he has placed on record the certificate dated 22nd February, 2006 (P-7) which has been issued by Civil Surgeon, Jind. He has also attached another certificate along with his replication issued by Chief Medical Officer/Civil Surgeon, Jind, on 13th July, 2006, clarifying that the certificate dated 22nd February, 2006 issued earlier by him had been issued by the competent Medical Board constituted under the Chairmanship of Chief Medical Officer, Jind, for the purpose of service matters relating to the employees of the Haryana Government. It has again been reiterated that the petitioner is 70% physically handicapped as has already been declared and shown in the certificate dated 22nd February, 2006 (P-7)

(2) The only stand taken by the respondent State in its written statement is that the certificate has been got prepared firstly from Senior Medical Officer, General Hospital, Narwana and then Ortho Surgeon, General Hospital, Jind and thereafter countersigned by the Civil Surgeon, Jind. The objection raised is that stamps put on this medical certificate shows that it was valid for handicapped pension only and it is valid only for five years. The aforementioned averments have been made in para 1 of the preliminary objections raised in the written statement. It has been asserted that certificate has not been issued by a competent medical board constituted by the Chief Medical Officer of the District in accordance with the instructions of the Government dated 28th March, 2006. Written statement was filed before filing of the certificate with the replication, which in fact clarify all the objections.

(3) Having heard the learned counsel, we are of the view that the case of the petitioner is squarely covered by the instructions dated 31st January, 2006 (P-4) which clearly laid down that the normal retirement age of disabled group 'A' to group 'D' employees who have 70% disability is raised from 58 years to 60 years. The substantive part of the instructions of the Government is discernable from para 2 of the instructions, which read as under :—

“2. With a view to maintaining in the matter of retirement age in respect of Handicapped employees, the Government, on further consideration of the matter, has decided to raise the normal retirement age of such disabled Group 'A' to Group 'D' employees who possess the minimum degree of disability of 70% from 58 years to 60 years.”

(4) In view of the above, the writ petition succeeds and accordingly, a direction issued to the respondents to consider the case of the petitioner for his retention in service till the age of 60 years. It has already been pointed out that the petitioner has retired on 31st March, 2006 on attaining the age of 58 years and the petitioner may have to be taken back in service so as to retire him at the age of 60 years.

R.N.R.

Before Ranjit Singh, J.

RAM KARAN ALIAS RODA AND ANOTHER,—*Petitioner*

versus

STATE OF HARYANA,—*Respondents*

CRIMINAL REVISION NO. 2004 OF 2006

27th November, 2006

Code of Criminal Procedure, 1973—S. 319—Blind murder—Discharge of petitioners after being found innocent during investigation—Summoning of petitioners as additional accused only on the basis of statement of son of deceased—Reiteration of facts without indicating anything more—Powers of Court under section 319—Discretion—Exercise of—Only to achieve criminal justice—Not