

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

114

Civil Writ Petition No.12802 of 2015

Date of Decision:01.07.2015

Jagdeepak Singh Gill

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

1.Whether Reporters of local papers may be allowed to see the judgement?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Present: Mr.R.K.Malik, Senior Advocate with
Mr.Mandeep Singh, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, so as to quash the promotion of private respondents to the post of Agriculture Officer under handicapped category as before effecting their promotion, they were not subjected to a medical test to re-asertain their current disability status.

It is averred that the Agriculture Department, Punjab, had decided to fill up three posts of Agriculture Officers, by way of promotion from the handicapped category. Petitioner, who is engaged as Agriculture Development Officer, purports to have represented the respondents on 22.04.2015 that before effecting any promotion, the current disability status of the eligible candidates be ascertained from the Medical Board. As a result, Director Agriculture

vide letter dated 05.05.2015 (Annexure P4) had asked the Director, Health and Family Welfare Department to get all the eligible candidates medically examined by Medical Board and the report be sent about there being 40% handicapped or not. Whereas, on the other hand, the departmental promotion committee had recommended the names of private respondents on 18.05.2015 for promotion as Agriculture Officers. So much so, on a subsequent representation dated 16.06.2015 (Annexure P10), moved by the petitioner, Principal Secretary, Department of Health and Family Welfare (Punjab), observed:

“I have heard the applicant and advised him that at this stage we may not be able to comment on level of disability as in 2000.

However, DHS may be asked to get present level of disability assessed by a Medical Board, as requested by Agriculture Director.”

It is maintained that as per the expert opinions (Annexures P13 and P14), with the passage of time, the disability can increase or decrease and, thus, it was necessary to re-asertain whether the candidates who were in the zone of consideration for promotion, indeed suffered from 40% disability at the time of their promotion.

Learned counsel for the petitioner submits that although on the representation dated 16.06.2015 (Annexure P10),

Principal Secretary, Health, has taken cognisance of his grievance

but with no tangible result as no final or formal order deciding the same has been made. He further submits that let this petition be disposed of with a direction to respondents No.1 to 3, to consider and decide the representation (Annexure P10) made by the petitioner, by passing a speaking order within a stipulated time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondents No.1 to 3, to consider and decide the claim of the petitioner as set out in his representation dated 16.06.2015 (Annexure P10), strictly, in accordance with law, within a period of one month, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

01.07.2015

neenu

**(ARUN PALLI)
JUDGE**