

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

**119**

**Civil Writ Petition No.13160 of 2015  
Date of Decision:06.07.2015**

Anant Ram .....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.Ashok Bhardwaj, Advocate  
for the petitioner

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**ARUN PALLI, J.(ORAL):-**

Notice of motion.

Mr.Anshul Gupta, Assistant Advocate General, Punjab, present in the Court, accepts notice on behalf of the respondents. Requisite sets of paper book are supplied to the learned State counsel. In the wake of an order, I intend to pass in this petition, no formal written statement on behalf of the State, at this stage, is necessary.

A writ in the nature of mandamus is prayed for, so as to notionally consider the claim of the petitioner for promotion as Superintendent and fix his pay, pension and other pensionary benefits as despite being eligible, he was not promoted as Superintendent in the category of handicapped persons, though the posts that were earmarked in the said category, remained unfilled.

The petitioner was appointed as Peon on 20.02.1978 and was eventually promoted as Senior Assistant on 07.03.2008.

The next promotion from the post of Senior Assistant was/is to the post of Superintendent. The petitioner was diagnosed pathological myopia and thus suffered from 50% disability. That being so, he represented to the respondents to consider him for promotion as Superintendent being handicapped, vide numerous representations but to no avail. Though, his claim was forwarded by respondent No.4, observing that the petitioner was indeed entitled to promotion against roster point No.11 in the handicapped category, but, yet, no tangible result emerged. So much so, Deputy District Attorney/District Attorney, vide noting dated 14.01.2015 (Annexure P4), solicited the advice of the Welfare Department and, Director Social Security informed respondent No.3 that up to 16.03.2011, as per roster register, more than 200 employees were promoted as Superintendent, but none from the handicapped category was promoted. That being so, respondent No.2 was called upon to consider the claim of the petitioner for promotion and also to fill up the backlog if any in the handicapped category. Pursuant to a circular dated 14.12.2011 (Annexure P7) issued by Government of Punjab, it was resolved to extend the benefit of the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act, 1995 in promotions as well. As a result, State of Punjab had fixed the roster points for disabled persons and also directed that in case a vacancy reserved for persons with disabilities, was not filled, the reservation shall be carried over for a period up to three recruitment years.

Learned counsel for the petitioner submits that the claim

of the petitioner for promotion to the post of Superintendent continues to await consideration and in the interregnum the petitioner has since retired on 28.02.2015. He asserts that to date no formal order has been passed by the authorities accepting or rejecting the claim of the petitioner as no such order has ever been communicated to him.

Learned counsel for the parties are ad idem that let this petition be disposed of, only, with a direction to the respondents to consider and decide the claim of the petitioner, within a specified time.

That being so, and without expressing any opinion on merit, this petition is disposed of with a direction to the respondents to consider and decide the claim of the petitioner as set out in the petition and in the repeated representations made by him, strictly, in accordance with law, within a period of two months from the receipt of certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

06.07.2015

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**(ARUN PALLI)  
JUDGE**