

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

CWP No. 2297 of 2013 (O&M)

Date of decision : 5.2.2015

Rajbinder Kaur

.. Petitioner

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Umesh Narang, Advocate, for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner, who is an Orthopedically disabled employee, has filed the present petition seeking quashing of the orders dated 2.6.2009 (Annexure P-4) and dated 18.12.2012 (Annexure P-6), vide which her claim for grant of conveyance allowance has been rejected.

The case set up by the petitioner is that as per certificate dated 20.5.2009 issued by the Orthopedic Surgeon, Sirsa, the petitioner is disabled to the extent of 40%. In terms of the instructions dated 29.10.1982, an employee with 40% disability is entitled to conveyance allowance, which has wrongly been denied to the petitioner.

The case set up by the State is that in the aforesaid instructions, it is mentioned that an Orthopedically disabled Government employee with 40% permanent partial disability of either upper or lower limbs or 50% permanent partial disability of both upper and lower limbs, together, is entitled for the conveyance allowance. From the certificate produced by the petitioner, it is evident that the petitioner is having disability of 40% of upper and lower limbs, together. Hence, the case of the petitioner is not covered under the instructions for grant of conveyance allowance.

Heard learned counsel for the parties and perused the paper book.

Relevant clause of the policy dated 29.10.1982 and the certificate issued in favour of the petitioner are extracted below:-

Policy dated 29.10.1982

“An Orthopaedically handicapped employee if he or she has a minimum of 40% permanent partial disability of either upper or lower limbs or 50% permanent partial disability of both upper and lower limbs together. For purposes of estimation of disability the standards is contained in the Manual for Orthopaedic Surgeon in Evaluating Permanent Physical Impairment brought out by the American Academy of Orthopaedic Surgeon U.S.A., and published on their behalf by Artificial Limbs Manufacturing Corporation of India, G.T. Road, Kanpur shall apply.”

HANDICAPPED CERTIFICATE

“1. Permanent/ Partial disabilities of upper Limbs :-

ORTHOPAEDIC
C/O # HUMERUS

Total Disability of
Fourty Percent

2. Permanent/ Partial disabilities of lower Limbs :-
ORTHOPAEDIC C/O # FEMUR”

A perusal of the policy shows that there are two conditions for being eligible to get conveyance allowance. Either of them has to be fulfilled, namely, (i) 40% permanent partial disability of either upper or lower limbs; or (ii) 50% permanent partial disability of both upper and lower limbs together.

A perusal of the certificate produced by the petitioner on record shows that the petitioner is having 40% permanent partial disability of upper and lower limbs together. The policy requires 50% permanent partial disability of upper and lower limbs together. As the petitioner is not having 50% disability of upper and lower limbs together, she will not be entitled to the benefit of conveyance allowance in terms of the policy dated 29.10.1982. The order of the authorities cannot be faulted with.

The writ petition is dismissed.

5.2.2015
vs

(Rajesh Bindal)
Judge

(Refer to reporter)