

Civil Writ Petition No. 26544 of 2015 (O&M)

Date of decision : December 21, 2015

James Masih

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Deepak Arora, Advocate
for the petitioner.

LISA GILL, J.

It is submitted that petitioner suffers from locomotor disability and is, therefore, entitled to serve till the age of 60 years as he falls under categories mentioned in Section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, (for short 'the Act'). Reliance is placed on decision dated 25.05.2011 in CWP No. 7233 of 2010 upheld by the Hon'ble Supreme Court on 16.09.2014 (Annexure P-4) with a restriction/limitation that equality is sustainable only in respect to three categories mentioned in Section 33 of the Act.

Learned counsel for the petitioner submits that respondents are not taking any action on his representation dated 08.06.2015 (Annexure P-6). Disability Certificate (Annexure P-1) reveals that petitioner has suffered amputation of left foot and high

mid foot though locomotor disability is not specified therein. It is prayed that respondents be directed to decide petitioner's representation in a time bound manner.

This writ petition is disposed of with a direction to the competent authority to consider representation dated 08.06.2015 (Annexure P-6) and decide the same by passing a speaking order, preferably within a period of six weeks from receipt of certified copy of this order. Petitioner shall be at liberty to show that he suffers from locomotor disability as specified in Section 33 of the Act.

December 21, 2015
rts

(Lisa Gill)
Judge