

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

CWP-2935-2014

Date of decision:- 26.08.2015

Ram Chand Sharma

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. S.S. Toor, Advocate,
for the petitioner.

Mr. A.P. Setia, Advocate,
for the respondents.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner claims allotment of a commercial booth under a policy contained in a notification dated 02.03.2009 issued by the Chandigarh Administration. The notification, inter alia, is in respect of allotment of commercial booths to persons with disabilities. The petitioner may have claimed an allotment under the earlier policies, but the dates of such applications are not readily available with the petitioner. The petitioner, however, restricts his claim to the 2009 policy. The petitioner unfortunately suffers from some disability of 50%. He is eligible to be allotted a booth. Clause 5 of the policy reads as under:-

“5. Criteria for Allotment

Depending on the availability of the bare booth sites/built up booth, first preference shall be given to the applicants with disability of 80% and above followed by those with disability between 60% and 80% and thereafter those with disability between 40% and 60% shall be considered.”

2. By an interim order dated 17.02.2014, a Division Bench of this Court noted that out of 113 booths ear-marked for differently-abled persons, at least

45 were lying un-allotted for want of requisite documents from the eligible applicants with disability ranging between 85% to 100%.

3. Learned counsel appearing on behalf of the respondents confirmed that a Committee has been constituted to consider the applications and that the process of verification of the eligibility of those falling in the first category, namely, 85% and above is still going on. In the event of there being any un-allotted booths under the first category, the applicants under the second and then those under the third category will be considered after examining their eligibility and determining their inter-se priority. He has clarified that the present allotment will be restricted to those who have already applied for the same.

4. The process has been going on for far too long. Considering the nature of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, it is imperative that the process is completed as expeditiously as possible. We are informed that only three meetings of the Committee have been held in the last eight months. We are also informed that it is only the process of verification of the eligibility that is pending. We appreciate that the Members of the Committee have a busy schedule. However, considering the purpose and object of the Act and the fact that several people have applied under the notification, we would request the Members of the Committee to expedite the process to try and complete the same by the end of the year.

5. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

26.08.2015

Amodh