

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

CWP No.9232 of 2015
Date of decision: 12.05.2015

Manjit Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Varinder Shukla, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the claim of the petitioner for promotion to the post of Deputy Director Agriculture under the Handicapped Category, against roster point No.40, in terms of the letters dated 05.07.2011 (Annexure P5), 23.09.2011 (Annexure P6). And also in the wake of the provisions of Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It is averred that the petitioner was appointed as Agriculture Inspector vide order dated 07.11.1986 (Annexure P1) and is currently engaged as Agriculture Officer at Moga. The Government of Punjab extended the benefit of reservation as regards the handicapped employees even for promotion upto 3% qua Group A, B, C & D

services. And in Group A & B services, the roster point # 11, 40 & 71 is reserved in terms of letters dated 05.07.2011 (Annexure P5) and 23.09.2011 (Annexure P6). Vide letter dated 18.09.1992 (Annexure P9), the Government purports to have formed one cadre for the posts of Agriculture Development Officer, Agriculture Officer and Administrative posts in P.A.S. Class-I. Further, in terms of the Punjab Agriculture Group A Service Rules, 2013 (Annexure P12), the appointment to the post of Deputy Director Agriculture is to be made 100% by way of promotion from amongst the Agriculture Officers. It is maintained that claim of the petitioner for promotion to the post of Deputy Director Agriculture squarely falls within the handicapped quota against roster point No.40. As the roster point No.11 in the handicapped category has already been consumed on account of promotion of one Baljinder Singh on 30.11.2014. As 24 posts of Deputy Director Agriculture are expected to be filled and DPC is slated to convene on 12.05.2015, name of the eligible officers for consideration for promotion have already been requisitioned. However for no tangible reason, the service record of the petitioner has not been sent for. That being so, petitioner represented to respondent No.1, vide representation dated 08.04.2015 (Annexure P15), but to no avail.

Learned counsel for the petitioner submits that at this stage, let this petition be disposed of only with a direction

to respondent No.1, to consider and decide the representation (Annexure P15), submitted by the petitioner, within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of only with a direction to respondent No.1, to consider and decide the claim of the petitioner, as set out in his representation dated 08.04.2015 (Annexure P15), strictly in accordance with law, within a period of 3 months from the receipt of certified copy of this order. Though, needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

May 12, 2015
Rajan

(Arun Palli)
Judge