

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

**CWP No.21945 of 2015 (O&M)
Date of decision: 26.10.2016**

Department of Renewable Energy

.... Petitioner

Vs.

State Commission for Persons with Disabilities & ors. Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE NARAIN RAINA

Present: Mr. N.S.Panwar, Advocate
for the petitioner.

Mr. Yashdeep Nain, Advocate
as Local Commissioner.

Mr. A.K.Bura, Advocate
for respondent No.2.

Rajiv Narain Raina, J.(Oral)

By consent of the parties, the matter is taken up today for final hearing.

I have no doubt in my mind that the impugned orders passed by the Commissioner for Persons with Disabilities, Haryana, has acted beyond powers vested in him, pretending to be a Court as his order dated 28.08.2015 and another order dated 04.08.2015 suggests. He has directed the Director, Renewable Energy Deptt. to take cognizance of the complaint of the private respondent to get it inquired into and after making the report to submit the same. Thereafter, he has passed another order dated 11.08.2015 withdrawing the earlier order and has taken upon himself the power to enquire into the complaint of the respondent. He has virtually hijacked the functioning of the government department, which is impermissible in law. All the orders are non-est, illegal and therefore, deserve to be quashed as they amount to interference in administration.

On request of learned counsel for the parties, I had appointed Mr. Yashdeep Nain, Advocate yesterday to act as local commissioner and to visit the office of respondent No.2 to see for himself the working conditions that the respondent finds himself be and in and to submit his report.

Inspection report in compliance of order dated 25.10.2016 has been submitted today by Mr. Yashdeep, in Court which is taken on record.

I find nothing remiss in the circumstances to be of harassment to respondent No.2 at his workplace. If respondent No.2 contends that some administrative work has been withdrawn from him and has been handed over to another Class II Officer, then it is neither the business of the Commissioner for Persons with Disabilities nor the business of the Court to rearrange administrative work assigned by the competent authority. It is only internal office arrangements.

However, this order will not be read against the private respondent in any manner and would not prejudice him in his future career as only the point of jurisdiction has been decided by this Court as to whether the Commissioner for Persons with Disabilities had any authority to issue the impugned orders and directions to the government department as though he was a court of law.

With these observations, the present petition is allowed and the impugned orders passed by the Commissioner for Persons with Disabilities are quashed.

(RAJIV NARAIN RAINA)
JUDGE

26.10.2016

sonia

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No