

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

CWP No.2529 of 2015 (O&M)

Date of decision : 12.07.2016

Harinder Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA, J.

From the pleadings on record, it emanates that the petitioner is physically disabled i.e. suffering from a 100% visual impairment. He was appointed to the post of Dafteri in the Police Department, State of Haryana on 20.01.1992 and he joined in the office of Commandant, 5th Battalion, Haryana Armed Police, Madhuban.

Petitioner is presently aggrieved of an order dated 04.07.2015 passed by the Director of Police, Haryana in terms of which claim of the petitioner to be considered in the cadre of Clerks with effect from his initial date of appointment i.e. 20.01.1992 has been rejected.

Perusal of the order dated 04.07.2015 at Annexure R-2 along with the written statement would reveal that the names of three blind persons were recommended for appointment as Dafteri in the Police Department, Haryana and out of which one Shri Chander Pal was offered appointment but he did not join as he had already joined service in I.T.I., Rohtak. Under such circumstances, the Director, Social Welfare Department, Haryana vide memo dated 27.08.1991 sponsored the name of the present petitioner as an alternate candidate and which was acted upon resulting in the appointment of the petitioner to the post of Dafteri on

20.01.1992. Claim set up by the petitioner to be considered as appointed initially on the post of Clerk itself has been held to be time barred.

Mr. Daryal, learned counsel for the petitioner contends that even though there would be no cogent and valid grounds to raise a challenge to the order dated 04.07.2015 passed by the Director General of Police, Haryana rejecting the claim of the petitioner seeking seniority in the cadre of Clerks w.e.f. 20.01.1992, yet he prays for liberty to raise a claim before the respondent/Department under the provisions of the Persons with Disabilities (Equal Opportunities, Promotion of Rights and Full Participation) Act, 1995 (hereinafter referred to as “the 1995 Act”).

Counsel contends that under the provisions of the Act, a 3% quota in the promotional avenues to the disabled persons has been provided and such mandate has to be followed even by the Haryana Police Department. In support of such contention, reliance has been placed upon the Division Bench judgment of this Court in CWP No.12741 of 2009 titled as ***Viklang Sang, Haryana Vs. State of Haryana and others*** decided on 18.03.2010.

Accordingly, the present writ petition is disposed of in terms of granting liberty to the petitioner to press for his claim for fixation of seniority in the cadre of Dafteri and that thereafter to stake a claim for reservation under 3% quota for purposes of promotion to the cadre of Clerk under the provisions of the 1995 Act itself.

It is directed that in case such a claim is set up by the petitioner, the competent authority/respondent No.2 would be obligated to consider such claim and to take a final decision thereupon expeditiously.

Disposed of.

12.07.2016

(TEJINDER SINGH DHINDSA)
JUDGE