

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.11588 of 2014(O&M)
Date of Decision: 12.09.2017

Vishal Puri

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. R.K. Arora, Advocate for the petitioner.

Ms. Monica Chhibber Sharma, Sr. D.A.G., Punjab.

Mr. Manish Dadwal, Advocate for respondent no.3.

TEJINDER SINGH DHINDSA.J

The instant writ petition was filed in the year 2014 when the petitioner was working on the post of Assistant Engineer in the Department of Water Supply and Sanitation, State of Punjab.

Petitioner is stated to be suffering from a permanent disability element (ortho) assessed at 55%. Petitioner is stated to be covered under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (herein after to be referred to as the 1995 Act).

Claim in the instant petition was for promotion to the post of Sub Divisional Engineer. It was also the contention raised by the petitioner that private respondent no.3 has been illegally allowed promotion to the post of S.D.E under the handicapped category against Roster Point No.255. An additional ground raised in the petition impugning the order of promotion of the private respondent was that the petitioner had initially joined service under the handicapped category, whereas the private

respondent had acquired the disability while in service and in the year 2011.

During the course of arguments, this Court has been apprised that after filing of the writ petition the petitioner has been promoted as S.D.E vide order dated 29.8.2017.

The primary relief seeking promotion to the post of S.D.E having been granted, counsel prays for withdrawal of the petition with liberty to raise his claim seeking benefit of ante dated promotion on the post in question on all such grounds as may be available to him in accordance with law. Such liberty is also being sought on the ground that the 3% reservation quota in favour of the handicapped category for purposes of promotion has been made operative by the State Govt. w.e.f. 5.7.2011, whereas such quota should have been applied from the year 1995 itself.

Without making any observations on merits, instant petition is disposed of as withdrawn with liberty as prayed for.

Suffice it to observe that in the eventuality of any such claim being raised by the petitioner in terms of the liberty granted, the appropriate authority/competent authority under the State Govt. would be obligated to examine the same expeditiously and keeping in view the objective of the 1995 Act.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

12.09.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No