

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

CWP No.13389 of 2016 (O&M)

Date of Decision:10.11.2017

Arjun Singh

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Vikas Malik, Advocate for the petitioner.

Mr. Sunil Kumar Sharma, Advocate for the respondents-UOI.

P.B. BAJANTHRI J. (Oral)

Petitioner is a candidate for recruitment to the post of Safai Wala pursuant to the advertisement Annexure P-1 issued in the month of May 2016.

Petitioner's candidature was considered for selection and appointment. At the time of issuance of appointment, respondents noticed that the petitioner is suffering from physical disabilities to the extent of no limbs. Consequently, with reference to Annexure R-1 (Duty Chart of Safai Wala), it is evident that petitioner cannot discharge the duties due to his disability. Therefore, respondents have taken a decision not to appoint the petitioner. It is to be noted that respondent-selecting authority have mislead the candidates like the petitioner for the reasons that in the advertisement while reserving one post of Orthopedically Handicapped, they should have mentioned what are the disabilities which could not be considered. In the absence of indicating the disabilities, now at the time of consideration of petitioner's name for appointment after due selection to the post, stand of the respondent that petitioner cannot discharge the duties of Safai Wala with reference to Annexure R-1 may not be correct. Had the respondent indicated

the disabilities to what extent, in that event, petitioner would not have applied for the post. The respondents unnecessarily harassed petitioner and gave hope of selection and appointment. At the time of appointment his hope was shattered by saying that he cannot discharge duties of the post due to his disability. Therefore, respondents are liable to pay cost of Rs.30,000/- to the petitioner within a period of three months from today as a litigation cost.

Accordingly, petition stands dismissed.

10.11.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**