

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

(121)

**Civil Writ Petition No.13687 of 2017
Decided on : 03.07.2017**

Bhopal Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Sanjiv Gupta, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks the grant of pay scale and other benefits for the post of Driver in place of Chowkidar, keeping in view the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as 'the Act').

It is his case that he was working as Driver in the pay scale of ₹4000-6200 and appointed on 16.01.1990. Due to a paralytic attack while on duty, he was found unfit for the job of the Driver. He was offered a job of the Chowkidar vide letter dated 05.02.2007 (Annexure P-2), which he accepted on 21.02.2007 (Annexure P-3) in the pay scale of ₹2550-3200. It is, accordingly, his case that in view of the provisions of Section 47 of the Act he is to be granted pay scale he was drawing earlier and, therefore, could not be put down on a lower pay scale. Reliance is, accordingly, placed upon the judgment of the Division Bench in ***CWP No.9492 of 2008 'Kalyan Singh (dead through L.Rs.) Vs. State of Haryana and others' decided on 12.01.2015*** (Annexure P-5).

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents.

It is further pointed out that a representation dated 12.01.2017 (Annexure P-6) has already been moved on this account.

In such circumstances this Court is of the opinion that the matter should be decided by the competent authority i.e. respondent No.2 within a period of two months from the receipt of the certified copy of this order. In case, the necessary relief is to be granted, the same will be granted within a period of four weeks, thereafter. In case any adverse order is passed, the same should contain reasons and be communicated to the petitioner.

With the abovesaid observations, the present writ petition stands disposed of.

JULY 03, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No