

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

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**CWP No.14798 of 2017 (O&M)
Date of Decision: July 12, 2017**

Kashish Babbar

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Surinder Garg, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Pleadings on record indicate that the petitioner suffers from visually impairment to the extent of 40% and as such, is covered under the expression of disabled person under The Persons with Disabilities (Equal Opportunities Protection of Right and Full Participation) Act 1995. Advertisement dated 15.12.2011, was issued by the Department of Punjab Water Supply and Sanitation Department for recruitment to the post of Junior Engineers(Civil). Out of the total of 55 posts advertised, two posts were earmarked for handicapped persons. Petitioner being eligible for the post, submitted his application and was subjected to a process of selection. Having not been selected and thereby denied appointment, petitioner approached this Court in terms of filing **CWP No.17421 of 2012** and which was decided by a Co-ordinate Bench of this Court on 27.10.2014 and the operative part of which reads as follows:-

“For the foregoing reasons and in the result, this petition is allowed and the action of the respondents in not offering appointment to the petitioner is declared unlawful and contrary to the spirit of Section 33 of the Act and the Policy Circular dated May 02, 1997. A certiorari is issued quashing the decision in denying the appointment by belatedly fixing a cut off point and as a consequence thereof, a writ of mandamus is issued to the respondents to consider offering a post of Junior Engineer (Civil) from the category of Physically Handicapped (Low Vision) to the petitioner.

Let this consideration take place within one month of the expiration of the period of limitation for calling this order in question in appeal.”

In purported compliance of the judgment dated 27.10.2014, passed by this Court in **CWP No.17421 of 2012**, petitioner was given offer of appointment on the post of Junior Engineer vide memo dated 05.10.2015 (Annexure P-5). In pursuance to such offer, petitioner is stated to have duly joined on the post of Junior Engineer and is presently working as such.

The precise grievance raised in the present petition is that, in the matter of fixation of pay and grant of other financial benefits, the petitioner is being treated as a fresh appointee w.e.f. 05.10.2015 and is being denied parity of treatment with the other Junior Engineers who had been selected and appointed in pursuance to the advertisement dated 15.12.2011.

Counsel would argue that the offer of appointment dated

05.10.2015 at Annexure P-5, was in pursuance to directions issued by this Court and in relation to a recruitment process initiated in the light of advertisement dated 15.12.2011 and in which the petitioner had participated. Under such circumstances, it is contended that the petitioner is entitled to all consequential benefits including pay fixation, seniority etc. and at par with the other appointees of the same very selection process. At this stage, counsel very fairly states that the petitioner is not pressing for arrears of salary for the period in question.

In the light of facts and circumstances, noticed hereinabove and the submissions raised by counsel, the instant petition is disposed of in terms of granting liberty to the petitioner to file a comprehensive representation as regards his claim and grievance. In the eventuality of any such representation, being preferred, respondent No.2 would be obligated to consider the same and to take a final decision thereupon in accordance with law expeditiously and in any case within a period of four months from the date of submission of the same.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

12.07.2017
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**