

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

**CWP-3888-2016 (O&M)  
Date of decision: 29.09.2017**

Joginder Kaur

... Petitioner

Vs.

State of Punjab & others

... Respondents

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

Present: Mr. Ram Niwas Sharma, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

...

**TEJINDER SINGH DHINDSA, J.**

Joginder Kaur has filed the instant petition seeking directions to the respondent/School Education Department to afford necessary relief to her husband, who was serving as a Math Master and on account of having acquired a disability while in service (brain tumor). The relief sought is in terms of Section 47 of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

In response to the writ petition, a written statement by way of affidavit of the District Education Officer (S.E.), Ludhiana has been filed on behalf of respondents No.1 to 4. Appended along with the written statement is an order dated 27.03.2017 (Annexure R-3), wherein the claim of Kishan Singh (Math Master) i.e. husband of the petitioner has been considered and the following decision has been taken:

*“After sympathetically considering the facts and circumstances of the case and keeping in view the financial position and sufferings of the family of the employee Kishan*

*Singh, Math Master, Government High School, Sangatpura, District Ludhiana, I, Sukhdev Singh, Director, Public Instructions (S.E.), Punjab am of the considered view that it has become the moral and obligatory duty of the department to support the family of such employee who is suffering from such a serious disease like Brain Tumor and is not able to nourish his family in casual manner. Therefore, I hereby order to release the salary to the employee/husband of the petitioner w.e.f. the date of filing of representation dated 15.10.2013. The concerned drawing and disbursing officer of GHS Sangatpura, District Ludhiana is directed to prepare the summary sheet of arrear of the salary w.e.f. 15.10.2013 to till date and ensure the payment of the arrear of salary will be paid to the employee/husband of the petitioner within a period of two months positively. District Education Officer (S.E.), Ludhiana is also directed hereby to send the proposal through proper channel to the competent authority for shifting/adjusting the employee/husband of the petitioner against a suitable post or to keep him on a supernumerary post. It is made clear that the family of the petitioner will be entitled to get salary till the date of adjustment the employee/husband of the petitioner against a suitable post or on a supernumerary post by the competent authority or till the age of his superannuation whichever is earlier.”*

It has gone uncontroverted that towards implementation of such order dated 27.04.2017, an amount of Rs. 18 lakhs approximately has been released to the family of the petitioner.

In the light of the order dated 27.04.2017 passed by the Director, Public Instructions (S.E.), Punjab, principal relief has been granted to Kishan Singh, Math Master as also his family and as such, the writ petition is disposed of as infructuous.

Claim of the employee to seek arrears of salary w.e.f. the year 2008 i.e. when the disability had been acquired as opposed to 15.10.2013 i.e. the date from which relief has been accorded to him is left open.

Disposed of.

**29.09.2017**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**

- |                                |     |
|--------------------------------|-----|
| (i) Whether speaking/reasoned? | Yes |
| (ii) Whether Reportable?       | No  |