

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.334 of 2017 (O&M)
Date of Decision: May 23, 2017

Varinder Kumar

.....Appellant

versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

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

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Surya Kant, J. (Oral)

The appellant is working as Judgment Writer (Grade-I) and is presently posted under the District and Sessions Judge, Barnala. He is a differently abled person. Since there is no promotional channel for Judgment Writers working in District Courts, under the existing rules, learned Single Judge vide order under appeal dated 01.09.2016 has declined to issue a mandamus for grant of promotion/adjustment to the appellant in other Government Departments. Learned Single Judge at the same time has granted liberty to the appellant to represent the higher authorities for suitable amendment in the rules so that some promotional avenues can be created. Instead of representing the higher authorities in terms of the said liberty, the appellant has preferred this intra-court appeal.

We have heard learned counsel for the appellant and gone through the records.

It is the conceded position that under the rules, there is no promotional channel for the Judgment Writers of District Courts irrespective of the category to which the appointee belongs. The rules

cannot be read-down in such a manner that the appellant who is a differently abled person must be promoted keeping in view the legislative policy discernible from the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Needless to say that every stagnant employee is granted ACP or MACP on completion of a specified length of service. It is thus not a case where the employees are completely stagnated. Be that as it may, learned Single Judge has granted liberty to the appellant to represent the higher authorities. If he avails such opportunity, we are sure that the Competent Authority shall sympathetically consider his representation.

The appeal stands disposed of accordingly.

[SURYA KANT]
JUDGE

May 23, 2017
mohinder

[HARI PAL VERMA]
JUDGE

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

LPA No.334 of 2017 (O&M)

[3]

CM Nos.705 and 706 of 2017 in
LPA No.334 of 2017

Varinder Kumar - - - versus State of Punjab and another

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

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CM No.705 of 2017

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 98 days' delay in filing the appeal
is condoned.

CM stands disposed of.

CM No.706 of 2017

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and exemption from filing certified
copy of the impugned order alongwith complete set of writ petition is
granted to the appellant.

CM stands disposed of.

(SURYA KANT)
JUDGE

May 23, 2017
mohinder

(HARI PAL VERMA)
JUDGE