

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16221 of 2018
Date of Decision:06.07.2018

Jagbir Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.D.S.Rawat, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

The petitioner has come up in writ petition for issuance of a writ especially in the nature of Mandamus directing the respondents to consider and promote the petitioner as Block Agriculture Officer, Subject Matter Specialist and Deputy Director/Joint Director from the date of acquiring eligibility of the promotional posts with all consequential benefits.

Learned counsel for the petitioner inter alia contends that petitioner is a physically handicapped person and vide Disability Certificate dated 10.08.1983, the disability of the petitioner was assessed as 60% by the Chief Medical Officer, Karnal and later on the said disability was assessed as 70% by the office of Civil Surgeon, Rohtak vide Disability Certificate dated 25.07.2007. Petitioner was appointed as Agriculture development Officer with the respondent department on adhoc basis on 02.07.1983 and thereafter was regularized w.e.f. 01.11.1986 as per Regularization Policy of the Government of Haryana. Thereafter, as per Policy of Government of Haryana i.e. Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, made provision for 3% reservation

issue any instruction with regard to granting reservation in promotion. Aggrieved against the same, Viklang Sang, Haryana filed CWP No.12741 of 2009 titled Viklang Sang, Haryana Vs. State of Haryana and others for benefit of reservation in promotion to the disabled employees and this Court vide detailed judgment dated 18.03.2010 allowed the said writ petition and directed the Government of Haryana to make provision of reservation in promotion the extent of 3% posts in cadre. Thereafter, Government of Haryana, issued instruction dated 17/19 April, 2017, vide which provision for 3% reservation in promotion was made for Physically Handicapped Employees w.e.f. The coming into force of the Persons With Disabilities Act, 1996 i.e.01.01.1996. After issuance of the instructions by the Government of Haryana providing 3% reservation in promotion in Group A, B, C and D posts, the petitioner who, was 70% physically handicapped immediately vide representations dated 08.05.2017, 02.08.2017 and 19.09.2017 (Annexures P-7, P-8 and P-9 respectively), requested the respondents to consider his case for promotion to the higher posts but no action has been taken in this regard so far.

In view of the above, this writ petition is disposed of by giving directions to the respondent No.2 to look into the representations i.e. Annexures P-7, P-8 and P-9, in accordance with law within a period of 8 weeks.

(RITU BAHRI)
JUDGE

06.07.2018
anil

Whether speaking/reasoned Yes/No