

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

(268)

CWP-24208-2018

Date of Decision: December 14, 2018

Madan Lal

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Goklaney, Advocate, for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioner is asking for the return of the original medical certificate, which is being withheld by the respondents.

As per the averments made in the writ petition, the petitioner joined the department as JBT Teacher on 09.02.1976 and thereafter promoted as Head Teacher on 11.11.1993. The petitioner was further promoted as Block Primary Education Officer on 28.10.2015, from which post, the petitioner retired on attaining the age of superannuation on 30.04.2016. It has been contended in the writ petition that the petitioner is a physically handicapped with having 86% of hearing disability and a certificate in this regard was issued to the petitioner by Civil Surgeon, Ferozepur on 13.02.2009.

The petitioner had applied for handicapped allowance from the respondents and in order to claim the said allowances, the petitioner had also submitted the original handicapped certificate issued to the petitioner. The said certificate was not being returned by the respondents, which action is challenged by the petitioner in the present writ petition.

Counsel for the respondents has filed the reply and the copy of the same has been handed over to counsel for the petitioner.

The reason for not returning the certificate as given by the respondents in the reply is that as the petitioner was being transferred from one office to another, the said affidavit has not been traced and all efforts are being made to trace the said certificate, which the petitioner had submitted. It has been further mentioned in paragraph 5 of the reply that in order to avoid any prejudice to the petitioner, the respondents on 27.07.2018 provided a copy of the original handicapped certificate after getting the same attested from the Civil Surgeon, Ferozepur. Copy of the said certificate has also been appended alongwith reply as Annexure R-1. Further, it has been undertaken by the respondents that no benefit of the petitioner will be withheld or stopped due to the non-production of the original handicapped certificate and the copy Annexure R-1 will be treated as original for all intents and purposes.

The averments made in paragraph 5 and 6 in the reply are as under:-

“5. That the original handicapped certificate of the petitioner has not been traced due to the transit of case of the petitioner from one office to other offices. The process of finding the same is going on. It is further submitted that for the convenience of the petitioner, the office of the answering deponent on 27.07.2018 provided a copy of original handicapped certificate to the petitioner after getting it attested from the office of Civil Surgeon Ferozepur on 25.07.2018. The copy of the same is attached herewith as Annexure R-1. It is further submitted that the attested copy of the handicapped certificate will be treated as original for all intents and

purposes.

6. That no benefit of the petitioner will be withheld or stopped, due to non-production of the original handicapped certificate and the department will treat the provided attested copy of handicapped certificate as original one till the receiving of the original and will release all the benefits to the petitioner, which ever due.”

Learned counsel for the petitioner states that in view of the reply mentioned above, the petitioner will not press the present writ petition.

The writ petition is disposed of as not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

December 14, 2018
harsha

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