

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9936 of 2018

Date of decision : 30.10.2018

TUV Rheinland (India) Pvt. Ltd. & anr.

....Petitioners

V/s

Ashok Mehra & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Nitin Thatai, Advocate for the petitioners.

Mr. Sourabh Mohunta, DAG Haryana.

RAJAN GUPTA J.

Short reply by way of affidavit of Dinesh, Commissioner for Persons with Disabilities, Social Justice & Empowerment Department Haryana has been filed in court. Same is taken on record.

Petitioner has impugned the order passed by The Commissioner, Disabilities, Department of Empowerment of Persons with Disabilities, Government of Haryana. Operative part thereof reads as under:-

“It has been found after perusing provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and new Act 2016 that any disable employee who is in Government service on the basis of disability, cannot be discriminated. If any employee becomes disable during his government service then he cannot be released from service and in those circumstances, he has to remain on same post.

Hence by keeping in view documents produced by complainant and company and after considering this matter sympathetically, I am reached on this conclusion that by

keeping sympathy towards disable persons, company management may fix him on such post as per his disability that he can perform his work easily so that during his disability, he can spend his life in service of company.”

It has been urged before the court that petitioner is not a Government Company or its subsidiary. The provisions of the Act are thus, not attracted to it. However, according to State counsel the Act does not discriminate between government and private organizations.

This court does not intend to delve in the issue any further. Even otherwise it finds the order non-speaking and cryptic. It, thus, deems it fit to set-aside the same and remit it to the same authority for decision afresh after affording opportunity of hearing to the parties. Ordered accordingly.

Petition is allowed in these terms.

October 30, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No