

Sr. No. 114

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

**CWP No.8257 of 2019 (O&M)
Date of Decision: 28.03.2019**

Raj Kumar Sharma

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. Sudhir Nar, Senior Panel Counsel,
for the respondent-UI.

ARUN MONGA, J.(ORAL)

Inter alia, contends that the wife of the petitioner suffers from physical disability viz. 'Chronic Simple Glaucoma BTS' and AC Lumbo-Sacral Sprain (LBA) and needs an attendant as certified in the medical certificate issued by Dr. Surjit Singh, Consultant Eye Surgeon of Dr. Surjit Singh Eye Hospital, Pathankot (Annexure P-4).

2. Learned counsel for the petitioner contends that owing to the above said disabilities, the case of the petitioner for transfer ought to have been considered in the light of Office Memo dated 08.10.2018 (Annexure P-3) and the impugned order has been passed in ignorance to said office memo.

3. Mr. Sudhir Nar, Advocate appears on behalf of the

respondent-UOI on advance service of the petition and has drawn my_specific attention to Sub Clause (ii) of Clause 3 in the said office memo, wherein it has been stated that the disability has to be, as defined in Schedule to the Rights of Persons with Disabilities Act, 2016.

4. Learned counsel for the respondent submits that the disabilities relied upon by the petitioner are not covered under the said Act.

5. After perusing the medical certificates as annexed with the petition, I do not find any ground to interfere in the impugned order, vide which the petitioner has been transferred. The said certificates do not make out any case of the ailment or the disability falling within the categories as defined in the Act, *ibid*.

6. Dismissed accordingly.

(ARUN MONGA)
JUDGE

28.03.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No