

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19589 of 2019

Date of Decision: July 19, 2019

Naseeb Kumar & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Ravinder Singh Dhull, Advocate,
for the petitioners.

AMIT RAWAL, J.

Prayer in the present writ petition is for issuance of a writ in the nature of certiorari for quashing the advertisement dated 05.07.2019 (Annexure P-1), whereby while advertising the posts of Assistant Lineman (ALM), no reservation for persons having orthopedic disability or locomotive disability has been made .

Mr. Ravinder Singh Dhull, learned counsel for the petitioners submitted that in pursuance to the advertisement Annexure P-1 dated 05.07.2019, various posts including Assistant Lineman in DHBVNL (Category No.2), UHBVNL (Category No.21) were sought to be filled by fixing the last date for submission of the applications as 25.07.2019. All the petitioners are disabled with orthopedic disability from 45%, 40%, 50% and 73% respectively, but the advertisement do not envisage any reservation for orthopedic disability except the persons being deaf and hard of hearing. In 2013, posts of orthopedic disability were specifically identified by the

department and advertised 6 posts for PHC Ortho General and 3 posts for PHC Ortho SC specifically, but the same was later on cancelled and withdrawn by the Government and new advertisement was published. There is violation of Sections 33, 34 and 47 of the Rights of Persons with Disabilities Act, 2016 (for short, 2016 Act).

I have heard the learned counsel for the petitioners, appraised the paper book and gone through the records.

The advertisement was not only meant for filling up posts of Assistant Lineman, but various other categories including cerebral palsy, leprosy cured, dwarfism, acid attack and muscular dystrophy. However, in respect of category No.2, the reservation is only for a person who is deaf and hard of hearing. The same reads as under:-

“Category No.2-183 posts of Assistant Lineman (ALM) (Re-Advertised.

<i>Category</i>	<i>Total</i>	<i>Non ESM/ ESP</i>	<i>ESM</i>	<i>ESP</i>
General	97	82	14	1
SC	36	30	4	2
BCA	29	25	3	1
BCB	20	15	5	
EWS	1	1		
Total	183			
PWD (Person with Disabilities)		Deaf and hard of hearing.		

The duties of the Assistant Lineman to be discharged are, to erect the electric poles and repair. A person with orthopedic disability would not be able to discharge such type of duties. There is no reference to any rules or availability of other supernumerary post in specified category or brought to the notice of this Court or referred to, much less pleaded and in the absence of the same, the reservation for the persons, who are deaf and hard of hearing, cannot be in violation of the provisions of Persons with

Disabilities Act, 2016. No ground for interference is made out. Resultantly, the writ petition is dismissed.

July 19, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No