

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

CWP-7667-2020 (O&M)

Date of Decision:- 11.06.2020

Sumitra Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K.Malik, Advocate for the petitioner.

Mr. Sharad Aggarwal, A.A.G. Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner Sumitra Devi, aged 40 years, presently working as Female Head Warder, District Jail, Panipat has approached this Court seeking issuance of a direction to respondents to shift her to some other post with the same pay scale or to keep her on some supernumerary post till suitable post is available in-lieu of Section 47(1) of PWD Act, 1995.
2. The learned counsel for the petitioner has submitted that pursuant to spread of pandemic, the State of Haryana had issued certain directions in the shape of Annexure P-3, as per which the Head of Departments had been advised to draw up a roster so that the employees with severe disabilities may not be called for duty. The learned counsel for the petitioner has further submitted

that since the petitioner is having visual disability to the extent of 90 per cent, therefore, she needs to be given some lighter assignment.

3. Pursuant to issuance of notice of motion, the respondents have filed reply by way of affidavit of Shri Somnath Jagat, Superintendent Jail, District Jail, Panipat, para 5 of which is extracted as follows :-

“That the petitioner has been deputed at check point for search of female interviewers coming daily from outside to meet their relative prisoners confined in this jail prior to submitting the disability certificate dated 03.08.2016 by her and since then she is readily performing her duty without any complaint. However, due to shortage of staff, sometimes she is deputed in female barracks, for general duty only during day hours, while her other colleagues are on weekly rest/leave.”

4. The petitioner has also filed an application seeking permission to place on record medical certificate dated 6.6.2020. It has been averred in the said application that on account of present pandemic conditions, the Government Hospital, Panipat was not conducting any medical examination and as such, the petitioner got herself examined from a private hospital which has certified her disability to the extent of 90 percent vide certificate dated 6.6.2020 (Annexure P-4).
5. I have heard learned counsel for the petitioner and also the learned State counsel.
6. During the course of arguments, the learned State counsel has informed that there is not even a single case of '*corona virus*' (COVID-19) in the jail premises and that the jail premises are absolutely safe.

7. Keeping in view of the aforesaid position and also the deposition made in Para 5 of the reply, as per which the petitioner is deputed to perform duty at the check point for checking of female visitors, which is infact a light duty, this Court does not find any ground for issuance of a direction as has been prayed for.
8. The petition is sans any merit and is hereby dismissed.

11.06.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No